

Bill No. SB 2086

Barcode 304552

582-1689A-05

Proposed Committee Substitute by the Committee on Ethics and Elections

1                               A bill to be entitled

2           An act relating to elections; amending s.

3           97.012, F.S.; exempting certain voter-education

4           activities from requirements for competitive

5           solicitation; authorizing the Secretary of

6           State to investigate voter fraud; authorizing

7           the Department of State to adopt rules;

8           amending s. 97.021, F.S.; defining the term

9           "marksense ballots"; defining the terms "early

10          voting area," "early voting site," and

11          "third-party voter registration organization";

12          creating s. 97.029, F.S.; providing for

13          attorney's fees and costs in any action for

14          injunctive relief or an action challenging an

15          election law or voter-registration law;

16          requiring an itemized affidavit; providing for

17          review of an award of attorney's fees and

18          costs; providing a limitation on the amount

19          awarded; amending s. 97.051, F.S.; revising the

20          oath required upon registering to vote;

21          amending s. 97.052, F.S.; revising the contents

22          of the uniform statewide voter registration

23          application; amending s. 97.053, F.S.; revising

24          provisions governing the acceptance of voter

25          registration applications by the supervisor of

26          elections; requiring that an applicant complete

27          a registration application before the date of

28          book closing in order to be eligible to vote in

29          that election; revising the information

30          required on the registration application;

31          amending s. 97.055, F.S.; limiting the updates

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1           that may be made to registration information  
2           following book closing; creating s. 97.0575,  
3           F.S.; providing requirements for third-party  
4           voter registration organizations that collect  
5           voter-registration applications; providing  
6           fines for failure to deliver applications as  
7           required; authorizing the Division of Elections  
8           to adopt rules to administer provisions  
9           governing third-party voter registration  
10          organizations; amending s. 97.071, F.S.;  
11          specifying the information to be included on  
12          the registration identification card; amending  
13          s. 98.045, F.S.; deleting a cross-reference;  
14          amending s. 98.077, F.S.; revising the  
15          procedures for updating a voter signature used  
16          to verify an absentee ballot or provisional  
17          ballot; amending s. 99.061, F.S.; providing for  
18          qualifying for nomination or election by the  
19          petition process; requiring the filing of  
20          statements of financial interest; requiring  
21          that a qualifying officer accept certain  
22          qualifying papers filed before the qualifying  
23          period; amending s. 99.063, F.S.; providing  
24          filing requirements for public officers;  
25          amending s. 99.092, F.S., relating to  
26          qualifying fees; clarifying provisions  
27          governing qualifying for nomination or election  
28          by the petition process to conform to changes  
29          made by the act; amending s. 99.095, F.S.;  
30          revising the requirements for qualifying as a  
31          candidate by a petition process in lieu of

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1           paying a qualifying fee and party assessment;  
2           providing requirements for submitting petitions  
3           and certifications; requiring that the division  
4           or supervisor of elections, as applicable,  
5           determine whether the required number of  
6           signatures has been obtained; amending s.  
7           99.0955, F.S.; providing procedures for a  
8           candidate having no party affiliation to  
9           qualify by the petition process; amending s.  
10          99.096, F.S.; revising the procedures for a  
11          minor political party to submit nominated  
12          candidates to be on the general election  
13          ballot; providing for candidates to qualify by  
14          the petition process; amending s. 99.09651,  
15          F.S., relating to signature requirements for  
16          ballot position; conforming provisions to  
17          changes made by the act; amending s. 100.011,  
18          F.S.; requiring that an elector in line at the  
19          time the polls close be allowed to vote;  
20          amending s. 100.101, F.S.; revising the  
21          circumstances under which a special election or  
22          primary is held; amending s. 100.111, F.S.;  
23          revising requirements for filling a vacancy in  
24          a nomination; requiring that ballots cast for a  
25          former nominee be counted for the person  
26          designated to replace the nominee under certain  
27          circumstances; amending s. 100.141, F.S.,  
28          relating to the notice of a special election;  
29          conforming provisions to changes made by the  
30          act; amending s. 101.031, F.S.; revising the  
31          Voter's Bill of Rights to authorize a

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1 provisional ballot if a person's identity is in  
2 question; amending s. 101.043, F.S.; revising  
3 the procedures for a voter to provide  
4 identification when voting; amending s.  
5 101.048, F.S.; providing for certain additional  
6 voters to cast provisional ballots; providing  
7 requirements for presenting evidence in support  
8 of a person's right to vote; requiring that the  
9 county canvassing board count such a ballot  
10 unless it determines by a preponderance of the  
11 evidence that the person was not entitled to  
12 vote; requiring that a person casting a  
13 provisional ballot be informed of certain  
14 rights; amending s. 101.049, F.S.; providing  
15 requirements for ballots for persons with  
16 disabilities; amending s. 101.051, F.S.;  
17 prohibiting certain solicitations to provide  
18 assistance to an elector; providing a penalty;  
19 authorizing an elector to request that a person  
20 other than an election official provide him or  
21 her with assistance in voting; providing for  
22 the form of the oath to be signed; amending s.  
23 101.111, F.S.; revising the requirements for  
24 challenging an elector's right to vote;  
25 providing a penalty for filing a frivolous  
26 challenge; amending s. 101.131, F.S.; revising  
27 requirements for poll watchers; authorizing  
28 certain political committees to have poll  
29 watchers; prohibiting a poll watcher from  
30 interacting with a voter; providing for poll  
31 watchers at early voting areas; amending s.

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1           101.151, F.S.; providing requirements for  
2           marksense ballots; amending s. 101.171, F.S.;  
3           requiring that a copy of a proposed  
4           constitutional amendment be available at voting  
5           locations; amending s. 101.294, F.S.;  
6           prohibiting a vendor of voting equipment from  
7           providing systems, components, or system  
8           upgrades to a local governing body or  
9           supervisor of elections which have not been  
10          certified by the Division of Elections;  
11          requiring that the vendor provide sworn  
12          certification of such equipment; amending s.  
13          101.295, F.S.; providing a penalty for  
14          providing voting equipment in violation of ch.  
15          101, F.S.; amending s. 101.49, F.S.; revising  
16          the procedures for verifying an elector's  
17          signature; amending s. 101.51, F.S.; requiring  
18          that an elector occupy a voting booth alone;  
19          amending s. 101.5612, F.S.; providing  
20          requirements for testing voting equipment;  
21          amending s. 101.572, F.S.; requiring that the  
22          supervisor of elections notify the candidates  
23          if ballots are examined before the end of the  
24          contest; amending s. 101.58, F.S.; authorizing  
25          employees of the department to have access to  
26          the premises, records, equipment, and staff of  
27          the supervisors of elections; amending s.  
28          101.595, F.S.; requiring that certain overvotes  
29          and undervotes be reported to the department;  
30          amending s. 101.6103, F.S.; authorizing the  
31          canvassing board to begin canvassing before the

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1 election; prohibiting the release of results  
2 before election day; providing a penalty for  
3 any early release of results; amending s.  
4 101.62, F.S.; revising the requirements for  
5 mailing absentee ballots to voters; amending s.  
6 101.64, F.S.; providing for an oath to be  
7 provided to persons voting absentee under the  
8 Uniformed and Overseas Citizens Absentee Voting  
9 Act; amending s. 101.663, F.S.; providing for  
10 certain persons to vote absentee after moving  
11 to another state; amending s. 101.68, F.S.;  
12 prohibiting changing a voter's certificate  
13 after the absentee ballot is received by the  
14 supervisor; amending s. 101.69, F.S.;  
15 prohibiting a voter from voting another ballot  
16 after casting an absentee ballot; providing for  
17 a provisional ballot under certain  
18 circumstances; amending s. 101.6923, F.S.;  
19 providing for the form of the printed  
20 instructions on an absentee ballot; amending s.  
21 101.694, F.S.; providing requirements for  
22 absentee envelopes printed for voters voting  
23 under the Uniformed and Overseas Citizens  
24 Absentee Voting Act; amending s. 101.697, F.S.;  
25 requiring the Department of State to determine  
26 whether secure electronic ballots may be  
27 provided for overseas voters; requiring that  
28 the department adopt rules for accepting  
29 overseas ballots; amending s. 102.012, F.S.;  
30 requiring the supervisor of elections to  
31 appoint an election board before any election;

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1 providing duties of the board; amending s.  
 2 102.014, F.S.; requiring that the Division of  
 3 Elections develop a uniform training curriculum  
 4 for poll workers; amending s. 102.031, F.S.;  
 5 providing requirements for maintaining order at  
 6 early voting areas; requiring the designation  
 7 of a no-solicitation zone; prohibiting a person  
 8 from bringing a camera into a polling room or  
 9 early voting area; amending s. 102.071, F.S.;  
 10 revising requirements for tabulating votes;  
 11 amending s. 102.111, F.S.; providing for  
 12 corrections to be made to the official election  
 13 returns; amending s. 102.112, F.S.; requiring  
 14 that a return contain a certification by the  
 15 canvassing board; authorizing the Department of  
 16 State to correct typographical errors; amending  
 17 s. 102.141, F.S.; revising requirements for the  
 18 canvassing boards in submitting returns to the  
 19 department; providing requirements for the  
 20 report filed by the canvassing board; requiring  
 21 the department to adopt rules for filing  
 22 results and statistical information; amending  
 23 s. 102.166, F.S.; revising the circumstances  
 24 under which a manual recount may be ordered;  
 25 amending s. 102.168, F.S.; requiring that  
 26 complaints be filed with the board responsible  
 27 for certifying the election results; specifying  
 28 the parties to an action who may contest an  
 29 election or nomination; amending s. 103.021,  
 30 F.S.; providing for nomination of presidential  
 31 electors by the state executive committee of

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1 each political party; defining the term  
 2 "national party" for purposes of nominating a  
 3 candidate for President and Vice President of  
 4 the United States; amending ss. 103.051 and  
 5 103.061, F.S.; specifying duties of the  
 6 presidential electors; amending s. 103.121,  
 7 F.S.; revising powers and duties of executive  
 8 committees to conform to changes made by the  
 9 act; amending s. 105.031, F.S.; providing for  
 10 public officers to file a statement of  
 11 financial interests at the time of qualifying;  
 12 requiring that a filing officer accept certain  
 13 qualifying papers filed before the qualifying  
 14 period; amending s. 105.035, F.S.; revising  
 15 procedures for qualifying for certain judicial  
 16 offices and the office of school board member;  
 17 prohibiting a candidate from obtaining  
 18 signatures until appointing a campaign  
 19 treasurer and designating a campaign  
 20 depository; revising the requirements for the  
 21 supervisor of elections with respect to  
 22 certifying signatures; amending s. 106.011,  
 23 F.S.; redefining the term "expenditure" to  
 24 include an obligation to make a payment;  
 25 creating s. 106.022, F.S.; requiring that a  
 26 political committee, committee of continuous  
 27 existence, or electioneering communications  
 28 entity maintain a registered office and  
 29 registered agent; providing requirements for  
 30 the statement of appointment; amending s.  
 31 106.07, F.S.; providing reporting requirements



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1 for a committee of continuous existence or  
 2 other business entities; requiring that  
 3 contributions be reported to the Department of  
 4 State; revising fines for late filing of  
 5 reports; amending s. 106.08, F.S.; restricting  
 6 contributions by related entities; amending s.  
 7 106.24, F.S.; clarifying the duties of  
 8 Secretary of State; amending s. 106.265, F.S.;  
 9 providing civil penalties for failure to report  
 10 contributions or expenditures; amending s.  
 11 106.141, F.S., relating to the disposition of  
 12 surplus funds; conforming provisions to changes  
 13 made by the act; transferring and renumbering  
 14 s. 98.122, F.S., relating to the use of closed  
 15 captioning and descriptive narrative in  
 16 television broadcasts; amending s. 106.22,  
 17 F.S.; eliminating certain duties of the  
 18 Division of Elections with respect to reports  
 19 to the Legislature and preliminary  
 20 investigations; amending s. 16.56, F.S.;  
 21 authorizing the Office of Statewide Prosecution  
 22 to investigate and prosecute crimes involving  
 23 voter registration, voting, or certain petition  
 24 activities; amending s. 119.07, F.S.;  
 25 clarifying requirements of the supervisor of  
 26 elections with respect to notifying candidates  
 27 of the inspection of ballots; amending s.  
 28 145.09, F.S.; requiring that the Department of  
 29 State adopt rules establishing certification  
 30 requirements for supervisors of elections;  
 31 repealing ss. 98.095, 98.0979, 98.181, 98.481,

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1           101.253, 101.635, 102.061, 106.085, and  
2           106.144, F.S., relating to inspections of  
3           county registers and the voter database,  
4           indexes and records, challenges to elections,  
5           the printing and distribution of ballots,  
6           duties of the election board, expenditures, and  
7           endorsements or opposition by certain groups;  
8           providing for severability; providing effective  
9           dates.

10

11 Be It Enacted by the Legislature of the State of Florida:

12

13           Section 1. Section 97.012, Florida Statutes, is  
14 amended to read:

15           97.012 Secretary of State as chief election  
16 officer.--The Secretary of State is the chief election officer  
17 of the state, and it is his or her responsibility to:

18           (1) Obtain and maintain uniformity in the application,  
19 operation, and interpretation of the election laws.

20           (2) Provide uniform standards for the proper and  
21 equitable implementation of the registration laws.

22           (3) Actively seek out and collect the data and  
23 statistics necessary to knowledgeably scrutinize the  
24 effectiveness of election laws.

25           (4) Provide technical assistance to the supervisors of  
26 elections on voter education and election personnel training  
27 services.

28           (5) Provide technical assistance to the supervisors of  
29 elections on voting systems.

30           (6) Provide voter education assistance to the public.

31 Voter education activities of the department or of the

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1 department in combination with the supervisors of elections,  
2 either individually or in the aggregate, or with their  
3 respective professional associations, are not subject to the  
4 competitive-solicitation requirements of s. 287.057(5).

5 (7) Coordinate the state's responsibilities under the  
6 National Voter Registration Act of 1993.

7 (8) Provide training to all affected state agencies on  
8 the necessary procedures for proper implementation of this  
9 chapter.

10 (9) Ensure that all registration applications and  
11 forms prescribed or approved by the department are in  
12 compliance with the Voting Rights Act of 1965 and the National  
13 Voter Registration Act of 1993.

14 (10) Coordinate with the United States Department of  
15 Defense so that armed forces recruitment offices administer  
16 voter registration in a manner consistent with the procedures  
17 set forth in this code for voter registration agencies.

18 (11) Create and administer ~~maintain~~ a statewide voter  
19 registration system as required by the Help America Vote Act  
20 of 2002 ~~database~~.

21 (12) Maintain a voter fraud hotline and provide  
22 election fraud education to the public.

23 (13) Designate an office within the department to be  
24 responsible for providing information regarding voter  
25 registration procedures and absentee ballot procedures to  
26 absent uniformed services voters and overseas voters.

27 (14) Conduct preliminary investigations into any  
28 irregularities or fraud involving voter registration, voting,  
29 or candidate or issue petition activities and report his or  
30 her findings to the statewide prosecutor or the state attorney  
31 for the judicial circuit in which the alleged violation

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1 occurred for prosecution, if warranted. The Department of  
2 State may prescribe by rule requirements for filing an  
3 elections-fraud complaint and for investigating any such  
4 complaint.

5       Section 2. Subsection (3) and present subsections (24)  
6 and (39) of section 97.021, Florida Statutes, are amended,  
7 present subsections (8) through (33) of that section are  
8 redesignated as subsections (10) through (35), respectively,  
9 present subsections (34) through (39) of that section are  
10 redesignated as subsections (37) through (42), respectively,  
11 and new subsections (8), (9), and (36) are added to that  
12 section, to read:

13       97.021 Definitions.--For the purposes of this code,  
14 except where the context clearly indicates otherwise, the  
15 term:

16       (3) "Ballot" or "official ballot" when used in  
17 reference to:

18       (a) "Marksense ~~Paper~~ ballots" means that printed sheet  
19 of paper, used in conjunction with an electronic or  
20 electromechanical vote tabulation voting system, containing  
21 the names of candidates, or a statement of proposed  
22 constitutional amendments or other questions or propositions  
23 submitted to the electorate at any election, on which sheet of  
24 paper an elector casts his or her vote.

25       (b) "Electronic or electromechanical devices" means a  
26 ballot that is voted by the process of electronically  
27 designating, including by touchscreen, or marking with a  
28 marking device for tabulation by automatic tabulating  
29 equipment or data processing equipment.

30       (8) "Early voting area" means the area designated by  
31 the supervisor of elections at an early voting site at which

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early voting activities occur, including, but not limited to,  
lines of voters waiting to be processed, the area where voters  
check in and are processed, and the area where voters cast  
their ballots.

(9) "Early voting site" means those locations  
specified in s. 101.657 and the building in which early voting  
occurs.

(26)(24) "Polling room" means the actual room in which  
ballots are cast on election day and during early voting.

(36) "Third-party registration organization" means any  
person, entity, or organization soliciting or collecting voter  
registration applications. A third-party voter registration  
organization does not include:

(a) A person who seeks only to register to vote or  
collect voter registration applications from that person's  
spouse, child, or parent; or

(b) A person engaged in registering to vote or  
collecting voter registration applications as an employee or  
agent of the division, supervisor of elections, Department of  
Highway Safety and Motor Vehicles, or a voter registration  
agency.

(42)(39) "Voting system" means a method of casting and  
processing votes that functions wholly or partly by use of  
electromechanical or electronic apparatus or by use of  
marksense ~~paper~~ ballots and includes, but is not limited to,  
the procedures for casting and processing votes and the  
programs, operating manuals, supplies ~~tabulating cards~~,  
printouts, and other software necessary for the system's  
operation.

Section 3. Section 97.029, Florida Statutes, is  
 created to read:

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1       97.029 Attorney's fees and costs.--

2       (1) An award of attorney's fees and costs shall be  
3 made to the prevailing party in any court or administrative  
4 proceeding, including any action for injunctive relief,  
5 challenging the application, interpretation, or  
6 constitutionality of any election law or voter-registration  
7 law.

8       (2)(a) The term "attorney's fees and costs" means the  
9 reasonable and necessary attorney's fees and costs incurred  
10 for all preparations, motions, hearings, trials, and appeals  
11 in a proceeding.

12       (b) The term "prevailing party" means the party that  
13 received a final judgment or order in its favor and such  
14 judgment or order has not been reversed on appeal or the time  
15 for seeking judicial review of the judgment or order has  
16 expired. If an action was voluntarily dismissed or dismissed  
17 pursuant to a settlement of the case, there is no prevailing  
18 party.

19       (3) Within 60 days after a party becomes a prevailing  
20 party, the attorney for the prevailing party must submit an  
21 itemized affidavit to the court that first conducted the  
22 adversarial proceeding in the underlying action or, in the  
23 case of a proceeding pursuant to chapter 120, to the Division  
24 of Administrative Hearings, which shall assign an  
25 administrative law judge. The affidavit must detail the nature  
26 and extent of the services rendered by the attorney as well as  
27 the costs incurred in preparations, motions, hearings, and  
28 appeals in the proceeding.

29       (4) The court, or the administrative law judge in a  
30 proceeding under chapter 120, shall promptly conduct an  
31 evidentiary hearing on the application for an award of

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1 attorney's fees and shall issue a judgment or a final order in  
2 a proceeding under chapter 120. The final order of an  
3 administrative law judge is reviewable in accordance with s.  
4 120.68. If the court affirms the award of attorney's fees and  
5 costs in whole or in part, it may award additional attorney's  
6 fees and costs for the appeal.

7 (5) A party may not be required to pay an award of  
8 attorney's fees and costs under this section in an amount that  
9 exceeds \$200,000.

10 Section 4. Section 97.051, Florida Statutes, is  
11 amended to read:

12 97.051 Oath upon registering.--A person registering to  
13 vote must subscribe to the following oath: "I do solemnly  
14 swear (or affirm) that I will protect and defend the  
15 Constitution of the United States and the Constitution of the  
16 State of Florida, that I am qualified to register as an  
17 elector under the Constitution and laws of the State of  
18 Florida, and that all information provided in this application  
19 is true ~~I am a citizen of the United States and a legal~~  
20 ~~resident of Florida.~~"

21 Section 5. Section 97.052, Florida Statutes, is  
22 amended to read:

23 97.052 Uniform statewide voter registration  
24 application.--

25 (1) The department shall prescribe a uniform statewide  
26 voter registration application for use in this state.

27 (a) The uniform statewide voter registration  
28 application must be accepted for any one or more of the  
29 following purposes:

- 30 1. Initial registration.  
31 2. Change of address.

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1           3. Change of party affiliation.

2           4. Change of name.

3           5. Replacement of a voter registration identification  
4 card.

5           6. Signature update.

6           (b) The department is responsible for printing the  
7 uniform statewide voter registration application and the voter  
8 registration application form prescribed by the ~~Federal~~  
9 Election Assistance Commission pursuant to federal law ~~the~~  
10 ~~National Voter Registration Act of 1993~~. The applications and  
11 forms must be distributed, upon request, to the following:

12           1. Individuals seeking to register to vote.

13           2. Individuals or groups conducting voter registration  
14 programs. A charge of 1 cent per application shall be assessed  
15 on requests for 10,000 or more applications.

16           3. The Department of Highway Safety and Motor  
17 Vehicles.

18           4. Voter registration agencies.

19           5. Armed forces recruitment offices.

20           6. Qualifying educational institutions.

21           7. Supervisors, who must make the applications and  
22 forms available in the following manner:

23           a. By distributing the applications and forms in their  
24 offices to any individual or group.

25           b. By distributing the applications and forms at other  
26 locations designated by each supervisor.

27           c. By mailing the applications and forms to applicants  
28 upon the request of the applicant.

29           (c) The uniform statewide voter registration  
30 application may be reproduced by any private individual or  
31 group, provided the reproduced application is in the same



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1 format as the application prescribed under this section.

2 (2) The uniform statewide voter registration  
3 application must be designed to elicit the following  
4 information from the applicant:

- 5 (a) Full name.
- 6 (b) Date of birth.
- 7 (c) Address of legal residence.
- 8 (d) Mailing address, if different.
- 9 (e) County of legal residence.

10 ~~(f) Address of property for which the applicant has~~  
11 ~~been granted a homestead exemption, if any.~~

12 ~~(f)(g)~~ Race or ethnicity that best describes the  
13 applicant:

- 14 1. American Indian or Alaskan Native.
- 15 2. Asian or Pacific Islander.
- 16 3. Black, not Hispanic.
- 17 4. White, not Hispanic.
- 18 5. Hispanic.

19 ~~(g)(h)~~ State or country of birth.

20 ~~(h)(i)~~ Sex.

21 ~~(i)(j)~~ Party affiliation.

22 ~~(j)(k)~~ Whether the applicant needs assistance in  
23 voting.

24 ~~(k)(l)~~ Name and address where last registered.

25 ~~(l)(m)~~ Last four digits of the applicant's social  
26 security number.

27 ~~(m)(n)~~ Florida driver's license number or the  
28 identification number from a Florida identification card  
29 issued under s. 322.051.

30 ~~(n)(o)~~ Telephone number (optional).

31 ~~(o)(p)~~ Signature of applicant under penalty for false

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1 swearing pursuant to s. 104.011, by which the person  
2 subscribes to the oath required by s. 3, Art. VI of the State  
3 Constitution and s. 97.051, and swears or affirms that the  
4 information contained in the registration application is true.

5 (p)(q) Whether the application is being used for  
6 initial registration, to update a voter registration record,  
7 or to request a replacement registration identification card.

8 (q)(r) Whether the applicant is a citizen of the  
9 United States by asking the question "Are you a citizen of the  
10 United States of America?" and providing boxes for the  
11 applicant to check to indicate whether the applicant is or is  
12 not a citizen of the United States.

13 (r)(s) Whether ~~That~~ the applicant has ~~not~~ been  
14 convicted of a felony, and or, if convicted, has had his or  
15 her civil rights restored by including the statement "I affirm  
16 I am not a convicted felon, or if I am, my rights relating to  
17 voting have been restored" and providing a box for the  
18 applicant to affirm the statement.

19 (s)(t) Whether ~~That~~ the applicant has ~~not~~ been  
20 adjudicated mentally incapacitated with respect to voting or,  
21 if so adjudicated, has had his or her right to vote restored  
22 by including the statement "I affirm I have not been  
23 adjudicated mentally incapacitated with respect to voting or,  
24 if I have, my competency has been restored" and providing a  
25 box for the applicant to check to affirm the statement.

26  
27 The registration form must be in plain language and designed  
28 so that convicted felons whose civil rights have been restored  
29 and persons who have been adjudicated mentally incapacitated  
30 and have had their voting rights restored are not required to  
31 reveal their prior conviction or adjudication.

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1           (3) The uniform statewide voter registration  
2 application must also contain:

3           (a) The oath required by s. 3, Art. VI of the State  
4 Constitution and s. 97.051.

5           (b) A statement specifying each eligibility  
6 requirement under s. 97.041.

7           (c) The penalties provided in s. 104.011 for false  
8 swearing in connection with voter registration.

9           (d) A statement that, if an applicant declines to  
10 register to vote, the fact that the applicant has declined to  
11 register will remain confidential and may be used only for  
12 voter registration purposes.

13           (e) A statement that informs the applicant who chooses  
14 to register to vote or update a voter registration record that  
15 the office at which the applicant submits a voter registration  
16 application or updates a voter registration record will remain  
17 confidential and may be used only for voter registration  
18 purposes.

19           ~~(f) A statement that informs the applicant that any~~  
20 ~~person who has been granted a homestead exemption in this~~  
21 ~~state, and who registers to vote in any precinct other than~~  
22 ~~the one in which the property for which the homestead~~  
23 ~~exemption has been granted, shall have that information~~  
24 ~~forwarded to the property appraiser where such property is~~  
25 ~~located, which may result in the person's homestead exemption~~  
26 ~~being terminated and the person being subject to assessment of~~  
27 ~~back taxes under s. 193.092, unless the homestead granted the~~  
28 ~~exemption is being maintained as the permanent residence of a~~  
29 ~~legal or natural dependent of the owner and the owner resides~~  
30 ~~elsewhere.~~

31           ~~(f)(g)~~ A statement informing an ~~the~~ applicant who has

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1 not been issued a Florida driver's license, a Florida  
2 identification card, or a social security number that if the  
3 application form is submitted by mail and the applicant is  
4 registering for the first time in Florida, the applicant will  
5 be required to provide identification prior to voting the  
6 first time.

7 (4) A supervisor may produce a voter registration  
8 application that has the supervisor's direct mailing address  
9 if the department has reviewed the application and determined  
10 that it is substantially the same as the uniform statewide  
11 voter registration application.

12 (5) The voter registration application form prescribed  
13 by the ~~Federal~~ Election Assistance Commission pursuant to  
14 federal law ~~the National Voter Registration Act of 1993~~ or the  
15 federal postcard application must be accepted as an  
16 application for registration in this state if the completed  
17 application or postcard application contains the information  
18 required by the constitution and laws of this state.

19 Section 6. Section 97.053, Florida Statutes, is  
20 amended to read:

21 97.053 Acceptance of voter registration  
22 applications.--

23 (1) Voter registration applications, changes in  
24 registration, and requests for a replacement registration  
25 identification card must be accepted in the office of any  
26 supervisor, the division, a driver license office, a voter  
27 registration agency, or an armed forces recruitment office  
28 when hand delivered by the applicant or a third party during  
29 the hours that office is open or when mailed.

30 (2) A ~~completed~~ voter registration application is  
31 complete and ~~that contains the information necessary to~~

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1 ~~establish an applicant's eligibility pursuant to s. 97.041~~  
 2 becomes the official voter registration record of that  
 3 applicant when all information necessary to establish the  
 4 applicant's eligibility pursuant to s. 97.041 is received by  
 5 the appropriate supervisor. If the applicant fails to complete  
 6 his or her voter registration application before the date of  
 7 book closing for an election, such applicant is not eligible  
 8 to vote in that election.

9 (3) The registration date for a valid initial voter  
 10 registration application that has been hand delivered is the  
 11 date when received by a driver license office, a voter  
 12 registration agency, an armed forces recruitment office, the  
 13 division, or the office of any supervisor in the state.

14 (4) The registration date for a valid initial voter  
 15 registration application that has been mailed to a driver  
 16 license office, a voter registration agency, an armed forces  
 17 recruitment office, the division, or the office of any  
 18 supervisor in the state and bears a clear postmark is the date  
 19 of that ~~the~~ postmark. If an initial voter registration  
 20 application that has been mailed does not bear a postmark or  
 21 if the postmark is unclear, the registration date is the date  
 22 the registration is received by any supervisor or the  
 23 division, unless it is received within 5 days after the  
 24 closing of the books for an election, excluding Saturdays,  
 25 Sundays, and legal holidays, in which case the registration  
 26 date is the book-closing date.

27 (5)(a) A voter registration application is complete if  
 28 it contains the following information necessary to establish  
 29 eligibility pursuant to s. 97.041:

- 30 1. The applicant's name.
- 31 2. The applicant's legal residence address.

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1           3. The applicant's date of birth.

2           4. A mark in the checkbox affirming ~~An indication~~ that  
3 the applicant is a citizen of the United States.

4           5. The applicant's Florida driver's license number,  
5 the identification number from a Florida identification card  
6 issued under s. 322.051, or the last four digits of the  
7 applicant's social security number.

8           6. A mark in the checkbox affirming ~~An indication~~ that  
9 the applicant has not been convicted of a felony or that, if  
10 convicted, has had his or her civil rights restored.

11          7. A mark in the checkbox affirming ~~An indication~~ that  
12 the applicant has not been adjudicated mentally incapacitated  
13 with respect to voting or that, if so adjudicated, has had his  
14 or her right to vote restored.

15          8. The original signature of the applicant swearing or  
16 affirming under the penalty for false swearing pursuant to s.  
17 104.011 that the information contained in the registration  
18 application is true and subscribing to the oath required by s.  
19 3, Art. VI of the State Constitution and s. 97.051.

20           (b) An applicant who fails to designate party  
21 affiliation must be registered without party affiliation. The  
22 supervisor must notify the voter by mail that the voter has  
23 been registered without party affiliation and that the voter  
24 may change party affiliation as provided in s. 97.1031.

25           Section 7. Subsection (1) of section 97.055, Florida  
26 Statutes, is amended to read:

27           97.055 Registration books; when closed for an  
28 election.--

29           (1) The registration books must be closed on the 29th  
30 day before each election and must remain closed until after  
31 that election. If an election is called and there are fewer

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1 than 29 days before that election, the registration books must  
2 be closed immediately. When the registration books are closed  
3 for an election, updates to a voter's name, address, and  
4 signature pursuant to ss. 98.077 and 101.045 shall be the only  
5 changes permitted for purposes of the upcoming election. Voter  
6 registration applications and party changes must be accepted  
7 but only for the purpose of subsequent elections. However,  
8 party changes received between the book-closing date of the  
9 first primary election and the date of the second primary  
10 election are not effective until after the second primary  
11 election.

12 Section 8. Section 97.0575, Florida Statutes, is  
13 created to read:

14 97.0575 Third-party voter registrations.--

15 (1) Prior to engaging in any voter-registration  
16 activities, a third-party voter registration organization  
17 shall name a registered agent in the state and submit to the  
18 division, in a form adopted by the division, the name of the  
19 registered agent and the name of those individuals responsible  
20 for the day-to-day operation of the third-party voter  
21 registration organization, including, if applicable, the names  
22 of the entity's board of directors, president, vice president,  
23 managing partner, or such other individuals engaged in similar  
24 duties or functions. On or before the 15th day after the end  
25 of each calendar quarter, each third-party voter registration  
26 organization shall submit to the division a report providing  
27 the date and location of any organized voter-registration  
28 drives conducted by the organization in the prior calendar  
29 quarter.

30 (2) The failure to submit the information required by  
31 subsection (1) does not subject the third-party voter

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1 registration organization to any civil or criminal penalties  
2 for such failure and the failure to submit such information is  
3 not a basis for denying such third-party voter registration  
4 organization with copies of voter-registration application  
5 forms.

6 (3) A third-party voter registration organization that  
7 collects voter-registration applications serves as a fiduciary  
8 to the applicant, ensuring that any voter-registration  
9 application entrusted to the third-party voter registration  
10 organization, irrespective of party affiliation, race,  
11 ethnicity, or gender shall be promptly delivered to the  
12 division or the supervisor of elections. If a  
13 voter-registration application collected by any third-party  
14 voter registration organization is not delivered to the  
15 division or supervisor of elections, the individual collecting  
16 the voter-registration application, the registered agent, and  
17 those individuals responsible for the day-to-day operation of  
18 the third-party voter registration organization, including, if  
19 applicable, the entity's board of directors, president, vice  
20 president, managing partner, or such other individuals engaged  
21 in similar duties or functions, shall be personally and  
22 jointly and severally liable for the following fines:

23 (a) A fine in the amount of \$250 for each application  
24 received by the division or the supervisor of elections more  
25 than 10 days after the applicant delivered the completed  
26 voter-registration application to the third-party voter  
27 registration organization or any person, entity, or agent  
28 acting on its behalf.

29 (b) A fine in the amount of \$500 for each application  
30 collected by a third-party voter registration organization or  
31 any person, entity, or agent acting on its behalf, prior to



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book closing for any given election for federal or state  
office and received by the division or the supervisor of  
elections after the book closing deadline for such election.

(c) A fine in the amount of \$5,000 for each  
application collected by a third-party voter registration  
organization or any person, entity, or agent acting on its  
behalf, which is not submitted to the division or supervisor  
of elections.

The fines provided in this subsection shall be reduced by  
three-fourths in cases in which the third-party voter  
registration organization has complied with subsection (1).

(4)(a) The division shall adopt by rule a form to  
elicit specific information concerning the facts and  
circumstances from a person who claims to have been registered  
by a third-party voter registration organization but who does  
not appear as an active voter on the voter-registration rolls.

(b) The division may investigate any violation of this  
section. Civil fines shall be assessed by the division and  
enforced through any appropriate legal proceedings.

(5) The date on which an applicant signs a  
voter-registration application is presumed to be the date on  
which the third-party voter registration organization received  
or collected the voter-registration application.

(6) The civil fines provided in this section are in  
addition to any applicable criminal penalties.

(7) Fines collected pursuant to this section shall be  
annually appropriated by the Legislature to the department for  
enforcement of this section and for voter education.

(8) The division may adopt rules to administer this  
section.

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1           Section 9. Section 97.071, Florida Statutes, is  
2 amended to read:

3           97.071 Registration identification card.--

4           (1) The supervisor must furnish a registration  
5 identification card ~~must be furnished~~ to all voters  
6 registering under the permanent single registration system and  
7 must contain:

- 8           (a) Voter's registration number.  
9           (b) Date of registration.  
10          (c) Full name.  
11          (d) Party affiliation.  
12          (e) Date of birth.  
13          (f) Race or ethnicity, if provided by the applicant.  
14          (g) Sex, if provided by the applicant.  
15          (h) Address of legal residence.  
16          (i) Precinct number.  
17          (j) Name of supervisor.  
18          (k) Place for voter's signature.  
19          (l) Other information deemed necessary by the  
20 department.

21          (2) A voter may receive a replacement of a  
22 registration identification card by providing a signed,  
23 written request for a replacement card to the supervisor. Upon  
24 verification of registration, the supervisor shall issue the  
25 voter a duplicate card without charge.

26          (3) In the case of a change of name, address, or party  
27 affiliation, the supervisor must issue the voter a new  
28 registration identification card. However, a registration  
29 identification card indicating a party affiliation change made  
30 between the book-closing date for the first primary election  
31 and the date of the second primary election may not be issued

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1 until after the second primary election.

2           Section 10. Subsection (3) of section 98.045, Florida  
3 Statutes, is amended to read:

4           98.045 Administration of voter registration.--

5           (3) Notwithstanding the provisions of s. ~~ss. 98.095~~  
6 ~~and~~ 98.0977, each supervisor shall maintain for at least 2  
7 years, and make available for public inspection and copying,  
8 all records concerning implementation of registration list  
9 maintenance programs and activities conducted pursuant to ss.  
10 98.065, 98.075, and 98.0977. The records must include lists of  
11 the name and address of each person to whom an address  
12 confirmation final notice was sent and information as to  
13 whether each such person responded to the mailing, but may not  
14 include any information that is confidential or exempt from  
15 public records requirements under this code.

16           Section 11. Section 98.077, Florida Statutes, is  
17 amended to read:

18           98.077 Update of voter signature.--The supervisor of  
19 elections shall provide to each registered voter of the county  
20 the opportunity to update his or her signature on file at the  
21 supervisor's office by providing notification of the ability  
22 to do so in any correspondence, other than postcard  
23 notifications, sent to the voter. The notice shall advise  
24 when, where, and how to update the signature and shall provide  
25 the voter information on how to obtain a form from the  
26 supervisor that can be returned to update the signature. In  
27 addition, at least once during each general election year, the  
28 supervisor shall publish in a newspaper of general circulation  
29 or other newspaper in the county deemed appropriate by the  
30 supervisor a notice specifying when, where, or how a voter can  
31 update his or her signature that is on file or how a voter can

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1 obtain a form from the supervisor to do so. All signature  
 2 updates for use in verifying absentee and provisional ballots  
 3 must be received by the appropriate supervisor of elections no  
 4 later than 5 p.m. of the fifth day prior to the election. The  
 5 signature on file at 5 p.m. on the fifth day before the  
 6 election is the signature that shall be used in verifying the  
 7 signature on the absentee and provisional ballot certificates.

8 Section 12. Section 99.061, Florida Statutes, is  
 9 amended to read:

10 99.061 Method of qualifying for nomination or election  
 11 to federal, state, county, or district office.--

12 (1) The provisions of any special act to the contrary  
 13 notwithstanding, each person seeking to qualify for nomination  
 14 or election to a federal, state, or multicounty district  
 15 office, other than election to a judicial office as defined in  
 16 chapter 105 or the office of school board member, shall file  
 17 his or her qualification papers with, and pay the qualifying  
 18 fee, which shall consist of the filing fee and election  
 19 assessment, and party assessment, if any has been levied, to,  
 20 the Department of State, or qualify by the petition process  
 21 pursuant to s. 99.095 ~~alternative method~~ with the Department  
 22 of State, at any time after noon of the 1st day for  
 23 qualifying, which shall be as follows: the 120th day prior to  
 24 the first primary, but not later than noon of the 116th day  
 25 prior to the date of the first primary, for persons seeking to  
 26 qualify for nomination or election to federal office; and noon  
 27 of the 50th day prior to the first primary, but not later than  
 28 noon of the 46th day prior to the date of the first primary,  
 29 for persons seeking to qualify for nomination or election to a  
 30 state or multicounty district office.

31 (2) The provisions of any special act to the contrary

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1 notwithstanding, each person seeking to qualify for nomination  
2 or election to a county office, or district or special  
3 district office not covered by subsection (1), shall file his  
4 or her qualification papers with, and pay the qualifying fee,  
5 which shall consist of the filing fee and election assessment,  
6 and party assessment, if any has been levied, to, the  
7 supervisor of elections of the county, or shall qualify by the  
8 petition process pursuant to s. 99.095 ~~alternative method~~ with  
9 the supervisor of elections, at any time after noon of the 1st  
10 day for qualifying, which shall be the 50th day prior to the  
11 first primary or special district election, but not later than  
12 noon of the 46th day prior to the date of the first primary or  
13 special district election. However, if a special district  
14 election is held at the same time as the second primary or  
15 general election, qualifying shall be the 50th day prior to  
16 the first primary, but not later than noon of the 46th day  
17 prior to the date of the first primary. Within 30 days after  
18 the closing of qualifying time, the supervisor of elections  
19 shall remit to the secretary of the state executive committee  
20 of the political party to which the candidate belongs the  
21 amount of the filing fee, two-thirds of which shall be used to  
22 promote the candidacy of candidates for county offices and the  
23 candidacy of members of the Legislature.

24       (3)(a) Each person seeking to qualify for election to  
25 office as a write-in candidate shall file his or her  
26 qualification papers with the respective qualifying officer at  
27 any time after noon of the 1st day for qualifying, but not  
28 later than noon of the last day of the qualifying period for  
29 the office sought.

30       (b) Any person who is seeking election as a write-in  
31 candidate shall not be required to pay a filing fee, election

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1 assessment, or party assessment. A write-in candidate shall  
2 not be entitled to have his or her name printed on any ballot;  
3 however, space for the write-in candidate's name to be written  
4 in shall be provided on the general election ballot. No  
5 person may qualify as a write-in candidate if the person has  
6 also otherwise qualified for nomination or election to such  
7 office.

8 (4) At the time of qualifying for office, each  
9 candidate for a constitutional office shall file a full and  
10 public disclosure of financial interests pursuant to s. 8,  
11 Art. II of the State Constitution, and a candidate for any  
12 other office, including local elective office, shall file a  
13 statement of financial interests pursuant to s. 112.3145.

14 (5) The Department of State shall certify to the  
15 supervisor of elections, within 7 days after the closing date  
16 for qualifying, the names of all duly qualified candidates for  
17 nomination or election who have qualified with the Department  
18 of State.

19 (6) Notwithstanding the qualifying period prescribed  
20 in this section, if a candidate has submitted the necessary  
21 petitions by the required deadline in order to qualify by the  
22 petition process pursuant to s. 99.095 ~~alternative method~~ as a  
23 candidate for nomination or election and the candidate is  
24 notified after the 5th day prior to the last day for  
25 qualifying that the required number of signatures has been  
26 obtained, the candidate is entitled to subscribe to the  
27 candidate's oath and file the qualifying papers at any time  
28 within 5 days from the date the candidate is notified that the  
29 necessary number of signatures has been obtained. Any  
30 candidate who qualifies within the time prescribed in this  
31 subsection is entitled to have his or her name printed on the

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1 ballot.

2 (7)(a) In order for a candidate to be qualified, the  
3 following items must be received by the filing officer by the  
4 end of the qualifying period:

5 1. A properly executed check drawn upon the  
6 candidate's campaign account in an amount not less than the  
7 fee required by s. 99.092 or, in lieu thereof, as applicable,  
8 the copy of the notice of obtaining ballot position pursuant  
9 to s. 99.095 ~~or the undue burden oath authorized pursuant to~~  
10 ~~s. 99.0955 or s. 99.096~~. If a candidate's check is returned  
11 by the bank for any reason, the filing officer shall  
12 immediately notify the candidate and the candidate shall, the  
13 end of qualifying notwithstanding, have 48 hours from the time  
14 such notification is received, excluding Saturdays, Sundays,  
15 and legal holidays, to pay the fee with a cashier's check  
16 purchased from funds of the campaign account. Failure to pay  
17 the fee as provided in this subparagraph shall disqualify the  
18 candidate.

19 2. The candidate's oath required by s. 99.021, which  
20 must contain the name of the candidate as it is to appear on  
21 the ballot; the office sought, including the district or group  
22 number if applicable; and the signature of the candidate, duly  
23 acknowledged.

24 3. The loyalty oath required by s. 876.05, signed by  
25 the candidate and duly acknowledged.

26 4. If the office sought is partisan, the written  
27 statement of political party affiliation required by s.  
28 99.021(1)(b).

29 5. The completed form for the appointment of campaign  
30 treasurer and designation of campaign depository, as required  
31 by s. 106.021.

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1           6. The full and public disclosure or statement of  
2 financial interests required by subsection (4). A public  
3 officer who has filed the full and public disclosure or  
4 statement of financial interests with the Commission on Ethics  
5 or the supervisor of elections prior to qualifying for office  
6 may file a copy of that disclosure at the time of qualifying.

7           (b) If the filing officer receives qualifying papers  
8 that do not include all items as required by paragraph (a)  
9 prior to the last day of qualifying, the filing officer shall  
10 make a reasonable effort to notify the candidate of the  
11 missing or incomplete items and shall inform the candidate  
12 that all required items must be received by the close of  
13 qualifying. A candidate's name as it is to appear on the  
14 ballot may not be changed after the end of qualifying.

15           (8) Notwithstanding the qualifying period prescribed  
16 in this section, a qualifying office may accept and hold  
17 qualifying papers submitted not earlier than 14 days prior to  
18 the beginning of the qualifying period, to be processed and  
19 filed during the qualifying period.

20           (9)(8) Notwithstanding the qualifying period  
21 prescribed by this section, in each year in which the  
22 Legislature apportions the state, the qualifying period for  
23 persons seeking to qualify for nomination or election to  
24 federal office shall be between noon of the 57th day prior to  
25 the first primary, but not later than noon of the 53rd day  
26 prior to the first primary.

27           (10)(9) The Department of State may prescribe by rule  
28 requirements for filing papers to qualify as a candidate under  
29 this section.

30           Section 13. Section 99.063, Florida Statutes, is  
31 amended to read:



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1           99.063 Candidates for Governor and Lieutenant  
2 Governor.--

3           (1) No later than 5 p.m. of the 9th day following the  
4 second primary election, each candidate for Governor shall  
5 designate a Lieutenant Governor as a running mate. Such  
6 designation must be made in writing to the Department of  
7 State.

8           (2) No later than 5 p.m. of the 9th day following the  
9 second primary election, each designated candidate for  
10 Lieutenant Governor shall file with the Department of State:

11           (a) The candidate's oath required by s. 99.021, which  
12 must contain the name of the candidate as it is to appear on  
13 the ballot; the office sought; and the signature of the  
14 candidate, duly acknowledged.

15           (b) The loyalty oath required by s. 876.05, signed by  
16 the candidate and duly acknowledged.

17           (c) If the office sought is partisan, the written  
18 statement of political party affiliation required by s.  
19 99.021(1)(b).

20           (d) The full and public disclosure of financial  
21 interests pursuant to s. 8, Art. II of the State Constitution.  
22 A public officer who has filed the full and public disclosure  
23 with the Commission on Ethics prior to qualifying for office  
24 may file a copy of that disclosure at the time of qualifying.

25           (3) A designated candidate for Lieutenant Governor is  
26 not required to pay a separate qualifying fee or obtain  
27 signatures on petitions. Ballot position obtained by the  
28 candidate for Governor entitles the designated candidate for  
29 Lieutenant Governor, upon receipt by the Department of State  
30 of the qualifying papers required by subsection (2), to have  
31 his or her name placed on the ballot for the joint candidacy.

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1           (4) In order to have the name of the candidate for  
2 Lieutenant Governor printed on the first or second primary  
3 election ballot, a candidate for Governor participating in the  
4 primary must designate the candidate for Lieutenant Governor,  
5 and the designated candidate must qualify no later than the  
6 end of the qualifying period specified in s. 99.061. If the  
7 candidate for Lieutenant Governor has not been designated and  
8 has not qualified by the end of the qualifying period  
9 specified in s. 99.061, the phrase "Not Yet Designated" must  
10 be included in lieu of the candidate's name on primary  
11 election ballots and on advance absentee ballots for the  
12 general election.

13           (5) Failure of the Lieutenant Governor candidate to be  
14 designated and qualified by the time specified in subsection  
15 (2) shall result in forfeiture of ballot position for the  
16 candidate for Governor for the general election.

17           Section 14. Section 99.092, Florida Statutes, is  
18 amended to read:

19           99.092 Qualifying fee of candidate; notification of  
20 Department of State.--

21           (1) Each person seeking to qualify for nomination or  
22 election to any office, except a person seeking to qualify by  
23 the petition process ~~alternative method~~ pursuant to s. 99.095,  
24 ~~s. 99.0955, or s. 99.096~~ and except a person seeking to  
25 qualify as a write-in candidate, shall pay a qualifying fee,  
26 which shall consist of a filing fee and election assessment,  
27 to the officer with whom the person qualifies, and any party  
28 assessment levied, and shall attach the original or signed  
29 duplicate of the receipt for his or her party assessment or  
30 pay the same, in accordance with the provisions of s. 103.121,  
31 at the time of filing his or her other qualifying papers. The

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1 amount of the filing fee is 3 percent of the annual salary of  
2 the office. The amount of the election assessment is 1  
3 percent of the annual salary of the office sought. The  
4 election assessment shall be deposited into the Elections  
5 Commission Trust Fund. The amount of the party assessment is  
6 2 percent of the annual salary. The annual salary of the  
7 office for purposes of computing the filing fee, election  
8 assessment, and party assessment shall be computed by  
9 multiplying 12 times the monthly salary, excluding any special  
10 qualification pay, authorized for such office as of July 1  
11 immediately preceding the first day of qualifying. No  
12 qualifying fee shall be returned to the candidate unless the  
13 candidate withdraws his or her candidacy before the last date  
14 to qualify. If a candidate dies prior to an election and has  
15 not withdrawn his or her candidacy before the last date to  
16 qualify, the candidate's qualifying fee shall be returned to  
17 his or her designated beneficiary, and, if the filing fee or  
18 any portion thereof has been transferred to the political  
19 party of the candidate, the Secretary of State shall direct  
20 the party to return that portion to the designated beneficiary  
21 of the candidate.

22 (2) The supervisor of elections shall, immediately  
23 after the last day for qualifying, submit to the Department of  
24 State a list containing the names, party affiliations, and  
25 addresses of all candidates and the offices for which they  
26 qualified.

27 Section 15. Section 99.095, Florida Statutes, is  
28 amended to read:

29 (Substantial rewording of section. See  
30 s. 99.095, F.S., for present text.)

31 99.095 Petition process in lieu of a qualifying fee

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and party assessment.--

(1) A person who seeks to qualify as a candidate for any office and who meets the petition requirements of this section is not required to pay the qualifying fee or party assessment required by this chapter.

(2)(a) A candidate shall obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area, as shown by the compilation by the department for the last preceding general election. Signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to s. 106.021.

(b) The format of the petition shall be prescribed by the division and shall be used by candidates to reproduce petitions for circulation. If the candidate is running for an office that requires a group or district designation, the petition must indicate that designation and if it does not, the signatures are not valid. A separate petition is required for each candidate.

(3) Each petition must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the supervisor of elections of the county in which such petition was circulated. Each supervisor shall check the signatures on the petitions to verify their status as voters in the county, district, or other geographical area represented by the office sought. No later than the 7th day before the first day of the qualifying period, the supervisor shall certify the number of valid signatures.

(4)(a) Certifications for candidates for federal,

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1 state, or multicounty district office shall be submitted to  
2 the division. The division shall determine whether the  
3 required number of signatures has been obtained and shall  
4 notify the candidate.

5 (b) For candidates for county or district office not  
6 covered by paragraph (a), the supervisor shall determine  
7 whether the required number of signatures has been obtained  
8 and shall notify the candidate.

9 (5) If the required number of signatures has been  
10 obtained, the candidate is eligible to qualify pursuant to s.  
11 99.061.

12 Section 16. Section 99.0955, Florida Statutes, is  
13 amended to read:

14 99.0955 Candidates with no party affiliation; name on  
15 general election ballot.--

16 (1) Each person seeking to qualify for election as a  
17 candidate with no party affiliation shall file his or her  
18 qualifying ~~qualification~~ papers and pay the qualifying fee or  
19 qualify by the petition process pursuant to s. 99.095  
20 ~~alternative method prescribed in subsection (3)~~ with the  
21 officer and during the times and under the circumstances  
22 prescribed in s. 99.061. Upon qualifying, the candidate is  
23 entitled to have his or her name placed on the general  
24 election ballot.

25 (2) The qualifying fee for candidates with no party  
26 affiliation shall consist of a filing fee and an election  
27 assessment as prescribed in s. 99.092. ~~The amount of the~~  
28 ~~filing fee is 3 percent of the annual salary of the office~~  
29 ~~sought. The amount of the election assessment is 1 percent of~~  
30 ~~the annual salary of the office sought. The election~~  
31 ~~assessment shall be deposited into the Elections Commission~~

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1 ~~Trust Fund.~~ Filing fees paid to the Department of State shall  
2 be deposited into the General Revenue Fund of the state.  
3 Filing fees paid to the supervisor of elections shall be  
4 deposited into the general revenue fund of the county.

5       ~~(3)(a) A candidate with no party affiliation may, in~~  
6 ~~lieu of paying the qualifying fee, qualify for office by the~~  
7 ~~alternative method prescribed in this subsection. A candidate~~  
8 ~~using this petitioning process shall file an oath with the~~  
9 ~~officer before whom the candidate would qualify for the office~~  
10 ~~stating that he or she intends to qualify by this alternative~~  
11 ~~method. If the person is running for an office that requires~~  
12 ~~a group or district designation, the candidate must indicate~~  
13 ~~the designation in his or her oath. The oath shall be filed~~  
14 ~~at any time after the first Tuesday after the first Monday in~~  
15 ~~January of the year in which the election is held, but before~~  
16 ~~the 21st day preceding the first day of the qualifying period~~  
17 ~~for the office sought. The Department of State shall~~  
18 ~~prescribe the form to be used in administering and filing the~~  
19 ~~oath. Signatures may not be obtained by a candidate on any~~  
20 ~~petition until the candidate has filed the oath required in~~  
21 ~~this subsection. Upon receipt of the written oath from a~~  
22 ~~candidate, the qualifying officer shall provide the candidate~~  
23 ~~with petition forms in sufficient numbers to facilitate the~~  
24 ~~gathering of signatures. If the candidate is running for an~~  
25 ~~office that requires a group or district designation, the~~  
26 ~~petition must indicate that designation or the signatures~~  
27 ~~obtained on the petition will not be counted.~~

28       ~~(b) A candidate shall obtain the signatures of a~~  
29 ~~number of qualified electors in the geographical entity~~  
30 ~~represented by the office sought equal to 1 percent of the~~  
31 ~~registered electors of the geographical entity represented by~~

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~~the office sought, as shown by the compilation by the  
Department of State for the preceding general election.~~

~~(c) Each petition must be submitted before noon of the  
21st day preceding the first day of the qualifying period for  
the office sought, to the supervisor of elections of the  
county for which such petition was circulated. Each supervisor  
to whom a petition is submitted shall check the signatures on  
the petition to verify their status as electors in the county,  
district, or other geographical entity represented by the  
office sought. Before the first day for qualifying, the  
supervisor shall certify the number shown as registered  
electors.~~

~~(d)1. Certifications for candidates for federal,  
state, or multicounty district office shall be submitted to  
the Department of State. The Department of State shall  
determine whether the required number of signatures has been  
obtained for the name of the candidate to be placed on the  
ballot and shall notify the candidate.~~

~~2. For candidates for county or district office not  
covered by subparagraph 1., the supervisor of elections shall  
determine whether the required number of signatures has been  
obtained for the name of the candidate to be placed on the  
ballot and shall notify the candidate.~~

~~(e) If the required number of signatures has been  
obtained, the candidate shall, during the time prescribed for  
qualifying for office, submit a copy of the notice received  
under paragraph (d) and file his or her qualifying papers and  
the oath prescribed by s. 99.021 with the qualifying officer.~~

Section 17. Section 99.096, Florida Statutes, is  
amended to read:

99.096 Minor political party candidates; names on

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1 ballot.--

2           (1) ~~The executive committee of a minor political party~~  
3 ~~shall,~~ No later than noon of the third day prior to the first  
4 day of the qualifying period prescribed for federal  
5 candidates, the executive committee of a minor political party  
6 shall submit to the Department of State a list of federal  
7 candidates nominated by the party to be on the general  
8 election ballot. ~~and~~ No later than noon of the third day prior  
9 to the first day of the qualifying period for state  
10 candidates, the executive committee of a minor political party  
11 shall submit to the filing officer for each of the candidates  
12 ~~submit to the Department of State the official list of the~~  
13 state, multi-county, and county ~~respective~~ candidates  
14 nominated by that party to be on the ballot in the general  
15 election. ~~The Department of State shall notify the appropriate~~  
16 ~~supervisors of elections of the name of each minor party~~  
17 ~~candidate eligible to qualify before such supervisor.~~ The  
18 official list of nominated candidates may not be changed by  
19 the party after having been filed with the filing officers  
20 ~~Department of State, except that candidates who have qualified~~  
21 ~~may withdraw from the ballot pursuant to the provisions of~~  
22 ~~this code, and vacancies in nominations may be filled pursuant~~  
23 to s. 100.111.

24           (2) Each person seeking to qualify for election as a  
25 candidate of a minor political party shall file his or her  
26 qualifying ~~qualification~~ papers with, and pay the qualifying  
27 fee and, if one has been levied, the party assessment, or  
28 qualify by the petition process pursuant to s. 99.095  
29 ~~alternative method prescribed in subsection (3), with the~~  
30 officer and at the times and under the circumstances provided  
31 in s. 99.061.



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~~(3)(a) A minor party candidate may, in lieu of paying the qualifying fee and party assessment, qualify for office by the alternative method prescribed in this subsection. A candidate using this petitioning process shall file an oath with the officer before whom the candidate would qualify for the office stating that he or she intends to qualify by this alternative method. If the person is running for an office that requires a group or district designation, the candidate must indicate the designation in his or her oath. The oath must be filed at any time after the first Tuesday after the first Monday in January of the year in which the election is held, but before the 21st day preceding the first day of the qualifying period for the office sought. The Department of State shall prescribe the form to be used in administering and filing the oath. Signatures may not be obtained by a candidate on any petition until the candidate has filed the oath required in this section. Upon receipt of the written oath from a candidate, the qualifying officer shall provide the candidate with petition forms in sufficient numbers to facilitate the gathering of signatures. If the candidate is running for an office that requires a group or district designation, the petition must indicate that designation or the signatures on such petition will not be counted.~~

~~(b) A candidate shall obtain the signatures of a number of qualified electors in the geographical entity represented by the office sought equal to 1 percent of the registered electors in the geographical entity represented by the office sought, as shown by the compilation by the Department of State for the last preceding general election.~~

~~(c) Each petition shall be submitted prior to noon of the 21st day preceding the first day of the qualifying period~~

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~~for the office sought to the supervisor of elections of the county for which the petition was circulated. Each supervisor to whom a petition is submitted shall check the signatures on the petition to verify their status as electors in the county, district, or other geographical entity represented by the office sought. Before the first day for qualifying, the supervisor shall certify the number shown as registered electors.~~

~~(d)1. Certifications for candidates for federal, state, or multicounty district office shall be submitted to the Department of State. The Department of State shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate.~~

~~2. For candidates for county or district office not covered by subparagraph 1., the supervisor of elections shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate.~~

~~(e) If the required number of signatures has been obtained, the candidate shall, during the prescribed time for qualifying for office, submit a copy of the notice received under paragraph (d) and file his or her qualifying papers and the oath prescribed by s. 99.021 with the qualifying officer.~~

~~(4) A minor party candidate whose name has been submitted pursuant to subsection (1) and who has qualified for office is entitled to have his or her name placed on the general election ballot.~~

Section 18. Subsection (1) of section 99.09651, Florida Statutes, is amended to read:

99.09651 Signature requirements for ballot position in

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1 year of apportionment.--

2 (1) In a year of apportionment, any candidate for  
3 representative to Congress, state Senate, or state House of  
4 Representatives seeking ballot position by the petition  
5 process ~~alternative method~~ prescribed in s. 99.095, ~~s.~~  
6 ~~99.0955, or s. 99.096~~ shall obtain at least the number of  
7 signatures equal to one-third of 1 percent of the ideal  
8 population for the district of the office being sought.

9 Section 19. Subsection (1) of section 100.011, Florida  
10 Statutes, is amended to read:

11 100.011 Opening and closing of polls, all elections;  
12 expenses.--

13 (1) The polls shall be open at the voting places at  
14 7:00 a.m., on the day of the election, and shall be kept open  
15 until 7:00 p.m., of the same day, and the time shall be  
16 regulated by the customary time in standard use in the county  
17 seat of the locality. The inspectors shall make public  
18 proclamation of the opening and closing of the polls. During  
19 the election and canvass of the votes, the ballot box shall  
20 not be concealed. Any elector who is in line at the time of  
21 the official closing of the polls shall be allowed to cast a  
22 vote in the election.

23 Section 20. Section 100.101, Florida Statutes, is  
24 amended to read:

25 100.101 Special elections and special primary  
26 elections.--Except as provided in s. 100.111(2), a special  
27 election or special primary election shall be held in the  
28 following cases:

29 (1) If no person has been elected at a general  
30 election to fill an office which was required to be filled by  
31 election at such general election.

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1           (2) If a vacancy occurs in the office of state senator  
2 or member of the state house of representatives.

3           (3) If it is necessary to elect presidential electors,  
4 by reason of the offices of President and Vice President both  
5 having become vacant.

6           (4) If a vacancy occurs in the office of member from  
7 Florida of the House of Representatives of Congress.

8           ~~(5) If a vacancy occurs in nomination.~~

9           Section 21. Section 100.111, Florida Statutes, is  
10 amended to read:

11           100.111 Filling vacancy.--

12           (1)(a) If any vacancy occurs in any office which is  
13 required to be filled pursuant to s. 1(f), Art. IV of the  
14 State Constitution and the remainder of the term of such  
15 office is 28 months or longer, then at the next general  
16 election a person shall be elected to fill the unexpired  
17 portion of such term, commencing on the first Tuesday after  
18 the first Monday following such general election.

19           (b) If such a vacancy occurs prior to the first day  
20 set by law for qualifying for election to office at such  
21 general election, any person seeking nomination or election to  
22 the unexpired portion of the term shall qualify within the  
23 time prescribed by law for qualifying for other offices to be  
24 filled by election at such general election.

25           (c) If such a vacancy occurs prior to the first  
26 primary but on or after the first day set by law for  
27 qualifying, the Secretary of State shall set dates for  
28 qualifying for the unexpired portion of the term of such  
29 office. Any person seeking nomination or election to the  
30 unexpired portion of the term shall qualify within the time  
31 set by the Secretary of State. If time does not permit party

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1 nominations to be made in conjunction with the first and  
2 second primary elections, the Governor may call a special  
3 primary election, and, if necessary, a second special primary  
4 election, to select party nominees for the unexpired portion  
5 of such term.

6           (2)(a) If, in any state or county office required to  
7 be filled by election, a vacancy occurs during an election  
8 year by reason of the incumbent having qualified as a  
9 candidate for federal office pursuant to s. 99.061, no special  
10 election is required. Any person seeking nomination or  
11 election to the office so vacated shall qualify within the  
12 time prescribed by s. 99.061 for qualifying for state or  
13 county offices to be filled by election.

14           (b) If such a vacancy occurs in an election year other  
15 than the one immediately preceding expiration of the present  
16 term, the Secretary of State shall notify the supervisor of  
17 elections in each county served by the office that a vacancy  
18 has been created. Such notice shall be provided to the  
19 supervisor of elections not later than the close of the first  
20 day set for qualifying for state or county office. The  
21 supervisor shall provide public notice of the vacancy in any  
22 manner the Secretary of State deems appropriate.

23           (3) Whenever there is a vacancy for which a special  
24 election is required pursuant to s. 100.101 ~~s. 100.101(1)-(4)~~,  
25 the Governor, after consultation with the Secretary of State,  
26 shall fix the date of a special first primary election, a  
27 special second primary election, and a special election.  
28 Nominees of political parties other than minor political  
29 parties shall be chosen under the primary laws of this state  
30 in the special primary elections to become candidates in the  
31 special election. Prior to setting the special election

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1 dates, the Governor shall consider any upcoming elections in  
2 the jurisdiction where the special election will be held. The  
3 dates fixed by the Governor shall be specific days certain and  
4 shall not be established by the happening of a condition or  
5 stated in the alternative. The dates fixed shall provide a  
6 minimum of 2 weeks between each election. In the event a  
7 vacancy occurs in the office of state senator or member of the  
8 House of Representatives when the Legislature is in regular  
9 legislative session, the minimum times prescribed by this  
10 subsection may be waived upon concurrence of the Governor, the  
11 Speaker of the House of Representatives, and the President of  
12 the Senate. If a vacancy occurs in the office of state  
13 senator and no session of the Legislature is scheduled to be  
14 held prior to the next general election, the Governor may fix  
15 the dates for any special primary and for the special election  
16 to coincide with the dates of the first and second primary and  
17 general election. If a vacancy in office occurs in any  
18 district in the state Senate or House of Representatives or in  
19 any congressional district, and no session of the Legislature,  
20 or session of Congress if the vacancy is in a congressional  
21 district, is scheduled to be held during the unexpired portion  
22 of the term, the Governor is not required to call a special  
23 election to fill such vacancy.

24 (a) The dates for candidates to qualify in such  
25 special election or special primary election shall be fixed by  
26 the Department of State, and candidates shall qualify not  
27 later than noon of the last day so fixed. The dates fixed for  
28 qualifying shall allow a minimum of 14 days between the last  
29 day of qualifying and the special first primary election.

30 (b) The filing of campaign expense statements by  
31 candidates in such special elections or special primaries and

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1 by committees making contributions or expenditures to  
2 influence the results of such special primaries or special  
3 elections shall be not later than such dates as shall be fixed  
4 by the Department of State, and in fixing such dates the  
5 Department of State shall take into consideration and be  
6 governed by the practical time limitations.

7 (c) The dates for a candidate to qualify by the  
8 petition process pursuant to s. 99.095 ~~alternative method~~ in  
9 such special primary or special election shall be fixed by the  
10 Department of State. In fixing such dates the Department of  
11 State shall take into consideration and be governed by the  
12 practical time limitations. Any candidate seeking to qualify  
13 by the petition process ~~alternative method~~ in a special  
14 primary election shall obtain 25 percent of the signatures  
15 required by s. 99.095, ~~s. 99.0955, or s. 99.096, as~~  
16 ~~applicable.~~

17 (d) The qualifying fees and party assessments of such  
18 candidates as may qualify shall be the same as collected for  
19 the same office at the last previous primary for that office.  
20 The party assessment shall be paid to the appropriate  
21 executive committee of the political party to which the  
22 candidate belongs.

23 (e) Each county canvassing board shall make as speedy  
24 a return of the result of such special elections and primaries  
25 as time will permit, and the Elections Canvassing Commission  
26 likewise shall make as speedy a canvass and declaration of the  
27 nominees as time will permit.

28 (4)(a) In the event that death, ~~resignation,~~  
29 ~~withdrawal, removal, or any other cause or event~~ should cause  
30 a party to have a vacancy in nomination which leaves no  
31 candidate for an office from such party, ~~the Governor shall,~~

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1 ~~after conferring with the Secretary of State, call a special~~  
 2 ~~primary election and, if necessary, a second special primary~~  
 3 ~~election to select for such office a nominee of such political~~  
 4 ~~party. The dates on which candidates may qualify for such~~  
 5 ~~special primary election shall be fixed by the Department of~~  
 6 ~~State, and the candidates shall qualify no later than noon of~~  
 7 ~~the last day so fixed. The filing of campaign expense~~  
 8 ~~statements by candidates in special primaries shall not be~~  
 9 ~~later than such dates as shall be fixed by the Department of~~  
 10 ~~State. In fixing such dates, the Department of State shall~~  
 11 ~~take into consideration and be governed by the practical time~~  
 12 ~~limitations. The qualifying fees and party assessment of such~~  
 13 ~~candidates as may qualify shall be the same as collected for~~  
 14 ~~the same office at the last previous primary for that office.~~  
 15 ~~Each county canvassing board shall make as speedy a return of~~  
 16 ~~the results of such primaries as time will permit, and the~~  
 17 ~~Elections Canvassing Commission shall likewise make as speedy~~  
 18 ~~a canvass and declaration of the nominees as time will permit.~~  
 19       ~~(b) If the vacancy in nomination occurs later than~~  
 20 ~~September 15, or if the vacancy in nomination occurs with~~  
 21 ~~respect to a candidate of a minor political party which has~~  
 22 ~~obtained a position on the ballot, no special primary election~~  
 23 ~~shall be held and the Department of State shall notify the~~  
 24 ~~chair of the appropriate state, district, or county political~~  
 25 ~~party executive committee of such party; and, within 5 7 days,~~  
 26 ~~the chair shall call a meeting of his or her executive~~  
 27 ~~committee to consider designation of a nominee to fill the~~  
 28 ~~vacancy. The name of any person so designated shall be~~  
 29 ~~submitted to the Department of State within 7 14 days after of~~  
 30 ~~notice to the chair in order that the person designated may~~  
 31 ~~have his or her name printed or otherwise placed on the ballot~~



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1 of the ensuing general election. When the name of the new  
2 nominee is submitted after the certification of results of the  
3 preceding primary election, however, the ballots may not be  
4 changed and, but in no event shall the supervisor of elections  
5 be required to place on a ballot a name submitted less than 21  
6 days prior to the election. If the vacancy occurs less than  
7 21 days prior to the election, the person designated by the  
8 political party will replace the former party nominee even  
9 though the former party nominee's name shall appear will be on  
10 the ballot. Any ballots cast for the former party nominee  
11 will be counted for the person designated by the political  
12 party to replace the former party nominee. If there is no  
13 opposition to the party nominee, the person designated by the  
14 political party to replace the former party nominee will be  
15 elected to office at the general election. For purposes of  
16 this paragraph, the term "district political party executive  
17 committee" means the members of the state executive committee  
18 of a political party from those counties comprising the area  
19 involving a district office.

20 ~~(b)(c)~~ When, under the circumstances set forth in the  
21 preceding paragraph, vacancies in nomination are required to  
22 be filled by committee nominations, such vacancies shall be  
23 filled by party rule. In any instance in which a nominee is  
24 selected by a committee to fill a vacancy in nomination, such  
25 nominee shall pay the same filing fee and take the same oath  
26 as the nominee would have taken had he or she regularly  
27 qualified for election to such office.

28 ~~(d) Any person who, at the close of qualifying as~~  
29 ~~prescribed in ss. 99.061 and 105.031, was qualified for~~  
30 ~~nomination or election to or retention in a public office to~~  
31 ~~be filled at the ensuing general election is prohibited from~~

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1 ~~qualifying as a candidate to fill a vacancy in nomination for~~  
 2 ~~any other office to be filled at that general election, even~~  
 3 ~~if such person has withdrawn or been eliminated as a candidate~~  
 4 ~~for the original office sought. However, this paragraph does~~  
 5 ~~not apply to a candidate for the office of Lieutenant Governor~~  
 6 ~~who applies to fill a vacancy in nomination for the office of~~  
 7 ~~Governor on the same ticket or to a person who has withdrawn~~  
 8 ~~or been eliminated as a candidate and who is subsequently~~  
 9 ~~designated as a candidate for Lieutenant Governor under s.~~  
 10 ~~99.063.~~

11 (5) In the event of unforeseeable circumstances not  
 12 contemplated in these general election laws concerning the  
 13 calling and holding of special primary elections and special  
 14 elections resulting from court order or other unpredictable  
 15 circumstances, the Department of State shall have the  
 16 authority to provide for the conduct of orderly elections.

17 ~~(6) In the event that a vacancy occurs which leaves~~  
 18 ~~less than 4 weeks for a candidate seeking to qualify by the~~  
 19 ~~alternative method to gather signatures for ballot position,~~  
 20 ~~the number of signatures required for ballot placement shall~~  
 21 ~~be 25 percent of the number of signatures required by s.~~  
 22 ~~99.095, s. 99.0955, or s. 99.096, whichever is applicable.~~

23 Section 22. Section 100.141, Florida Statutes, is  
 24 amended to read:

25 100.141 Notice of special election to fill any vacancy  
 26 in office ~~or nomination~~.--

27 (1) Whenever a special election is required to fill  
 28 any vacancy in office ~~or nomination~~, the Governor, after  
 29 consultation with the Secretary of State, shall issue an order  
 30 declaring on what day the election shall be held and deliver  
 31 the order to the Department of State.

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(2) The Department of State shall prepare a notice stating what offices ~~and vacancies~~ are to be filled in the special election, the date set for each special primary election and the special election, the dates fixed for qualifying for office, the dates fixed for qualifying by the petition process pursuant to s. 99.095 ~~alternative method~~, and the dates fixed for filing campaign expense statements.

(3) The department shall deliver a copy of such notice to the supervisor of elections of each county in which the special election is to be held. The supervisor shall have the notice published two times in a newspaper of general circulation in the county at least 10 days prior to the first day set for qualifying for office. If such a newspaper is not published within the period set forth, the supervisor shall post at least five copies of the notice in conspicuous places in the county not less than 10 days prior to the first date set for qualifying.

Section 23. Subsection (2) of section 101.031, Florida Statutes, is amended to read:

101.031 Instructions for electors.--

(2) The supervisor of elections in each county shall have posted at each polling place in the county the Voter's Bill of Rights and Responsibilities in the following form:

VOTER'S BILL OF RIGHTS

Each registered voter in this state has the right to:

1. Vote and have his or her vote accurately counted.
2. Cast a vote if he or she is in line at the official closing of the polls in that county.

3. Ask for and receive assistance in voting.

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1           4. Receive up to two replacement ballots if he or she  
2 makes a mistake prior to the ballot being cast.

3           5. An explanation if his or her registration or  
4 identity is in question.

5           6. If his or her registration identity is in question,  
6 cast a provisional ballot.

7           ~~7. Prove his or her identity by signing an affidavit~~  
8 ~~if election officials doubt the voter's identity.~~

9           7.8. Written instructions to use when voting, and,  
10 upon request, oral instructions in voting from elections  
11 officers.

12           ~~8.9.~~ Vote free from coercion or intimidation by  
13 elections officers or any other person.

14           ~~9.10.~~ Vote on a voting system that is in working  
15 condition and that will allow votes to be accurately cast.

16

17                               VOTER RESPONSIBILITIES

18

19           Each registered voter in this state should:

20           1. Familiarize himself or herself with the candidates  
21 and issues.

22           2. Maintain with the office of the supervisor of  
23 elections a current address.

24           3. Know the location of his or her polling place and  
25 its hours of operation.

26           4. Bring proper identification to the polling station.

27           5. Familiarize himself or herself with the operation  
28 of the voting equipment in his or her precinct.

29           6. Treat precinct workers with courtesy.

30           7. Respect the privacy of other voters.

31           8. Report any problems or violations of election laws

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1 to the supervisor of elections.

2 9. Ask questions, if needed.

3 10. Make sure that his or her completed ballot is  
4 correct before leaving the polling station.

5  
6 NOTE TO VOTER: Failure to perform any of these  
7 responsibilities does not prohibit a voter from voting.

8 Section 24. Section 101.043, Florida Statutes, is  
9 amended to read:

10 101.043 Identification required at polls.--

11 (1) The precinct register, as prescribed in s. 98.461,  
12 shall be used at the polls in lieu of the registration books  
13 for the purpose of identifying the elector at the polls prior  
14 to allowing him or her to vote. The clerk or inspector shall  
15 require each elector, upon entering the polling place, to  
16 present a current and valid picture identification as provided  
17 in s. 97.0535(3)(a). If the picture identification does not  
18 contain the signature of the voter, an additional  
19 identification that provides the voter's signature shall be  
20 required. The elector shall sign his or her name in the space  
21 provided, and the clerk or inspector shall compare the  
22 signature with that on the identification provided by the  
23 elector and enter his or her initials in the space provided  
24 and allow the elector to vote if the clerk or inspector is  
25 satisfied as to the identity of the elector.

26 ~~(2) Except as provided in subsection (3), if the~~  
27 ~~elector fails to furnish the required identification, or if~~  
28 ~~the clerk or inspector is in doubt as to the identity of the~~  
29 ~~elector, such clerk or inspector shall follow the procedure~~  
30 ~~prescribed in s. 101.49.~~

31 (2) ~~(3)~~ If the elector ~~who~~ fails to furnish the

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1 required identification ~~is a first-time voter who registered~~  
 2 ~~by mail and has not provided the required identification to~~  
 3 ~~the supervisor of elections prior to election day~~, the elector  
 4 shall be allowed to vote a provisional ballot. The canvassing  
 5 board shall determine the validity of the ballot pursuant to  
 6 s. 101.048(2).

7 Section 25. Section 101.048, Florida Statutes, is  
 8 amended to read:

9 101.048 Provisional ballots.--

10 (1) At all elections, a voter claiming to be properly  
 11 registered in the county and eligible to vote at the precinct  
 12 in the election<sup>7</sup> but whose eligibility cannot be determined, a  
 13 person whom an election official asserts is not eligible, and  
 14 other persons specified in the code shall be entitled to vote  
 15 a provisional ballot. Once voted, the provisional ballot shall  
 16 be placed in a secrecy envelope and thereafter sealed in a  
 17 provisional ballot envelope. The provisional ballot shall be  
 18 deposited in a ballot box. All provisional ballots shall  
 19 remain sealed in their envelopes for return to the supervisor  
 20 of elections. The department shall prescribe the form of the  
 21 provisional ballot envelope. A person casting a provisional  
 22 ballot shall have the right to present written evidence  
 23 supporting his or her eligibility to vote to the supervisor of  
 24 elections by not later than 5 p.m. on the third day following  
 25 the election.

26 (2)(a) The county canvassing board shall examine each  
 27 Provisional Ballot Voter's Certificate and Affirmation  
 28 ~~envelope~~ to determine if the person voting that ballot was  
 29 entitled to vote at the precinct where the person cast a vote  
 30 in the election and that the person had not already cast a  
 31 ballot in the election. In determining whether a person

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1 casting a provisional ballot is entitled to vote, the county  
 2 canvassing board shall review the information provided in the  
 3 Voter's Certificate and Affirmation, written evidence provided  
 4 by the person pursuant to subsection (1), any other evidence  
 5 presented by the supervisor of elections, and, in the case of  
 6 a challenge, any evidence presented by the challenger. A  
 7 ballot of a person casting a provisional ballot shall be  
 8 counted unless the canvassing board determines by a  
 9 preponderance of the evidence that the person was not entitled  
 10 to vote.

11 (b)1. If it is determined that the person was  
 12 registered and entitled to vote at the precinct where the  
 13 person cast a vote in the election, the canvassing board shall  
 14 compare the signature on the Provisional Ballot Voter's  
 15 Certificate and Affirmation ~~envelope~~ with the signature on the  
 16 voter's registration and, if it matches, shall count the  
 17 ballot.

18 2. If it is determined that the person voting the  
 19 provisional ballot was not registered or entitled to vote at  
 20 the precinct where the person cast a vote in the election, the  
 21 provisional ballot shall not be counted and the ballot shall  
 22 remain in the envelope containing the Provisional Ballot  
 23 Voter's Certificate and Affirmation and the envelope shall be  
 24 marked "Rejected as Illegal."

25 (3) The Provisional Ballot Voter's Certificate and  
 26 Affirmation shall be in substantially the following form:

27

28 STATE OF FLORIDA

29 COUNTY OF ....

30

31 I do solemnly swear (or affirm) that my name is ....;

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1 that my date of birth is ....; that I am registered and  
 2 qualified to vote ~~and at the time I registered I resided at~~  
 3 ~~...., in the municipality of ...., in .... County, Florida;~~  
 4 that I am registered in the .... Party; that I am a qualified  
 5 voter of the county; and that I have not voted in this  
 6 election. I understand that if I commit any fraud in  
 7 connection with voting, vote a fraudulent ballot, or vote more  
 8 than once in an election, I can be convicted of a felony of  
 9 the third degree and fined up to \$5,000 and/or imprisoned for  
 10 up to 5 years.

11 .....(Signature of Voter)...

12 .....(Current Residence Address)...

13 .....(Current Mailing Address)...

14 .....(City, State, Zip Code)...

15 .....(Driver's License Number or Last Four Digits of Social  
 16 Security Number)...

17  
 18 Sworn to and subscribed before me this .... day of .....,  
 19 ...(year)....

20 ...(Election Official)...

21  
 22 Precinct # .... Ballot Style/Party Issued: ....

23  
 24 (4) Notwithstanding the requirements of subsections  
 25 (1), (2), and (3) in counties where the voting system does not  
 26 utilize a paper ballot, the supervisor of elections may, and  
 27 for persons with disabilities shall, provide the appropriate  
 28 provisional ballot to the voter by electronic means that meet  
 29 the requirements of s. 101.56062, as provided for by the  
 30 certified voting system. Each person casting a provisional  
 31 ballot by electronic means shall, prior to casting his or her



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1 ballot, complete the Provisional Ballot Voter's Certificate  
2 and Affirmation as provided in subsection (3).

3 (5) Each person casting a provisional ballot shall be  
4 given written instructions regarding the person's right to  
5 provide the supervisor of elections with written evidence of  
6 his or her eligibility to vote and regarding the free access  
7 system established pursuant to subsection (6). The  
8 instructions shall contain information on how to access the  
9 system and the information the voter will need to provide to  
10 obtain information on his or her particular ballot. The  
11 instructions shall also include the following statement: "If  
12 this is a primary election, you should contact the supervisor  
13 of elections' office immediately to confirm that you are  
14 registered and can vote in the general election."

15 (6) Each supervisor of elections shall establish a  
16 free access system that allows each person who casts a  
17 provisional ballot to determine whether his or her provisional  
18 ballot was counted in the final canvass of votes and, if not,  
19 the reasons why. Information regarding provisional ballots  
20 shall be available no later than 30 days following the  
21 election. The system established must restrict information  
22 regarding an individual ballot to the person who cast the  
23 ballot.

24 Section 26. Section 101.049, Florida Statutes, is  
25 amended to read:

26 101.049 Provisional ballots; special circumstances.--

27 (1) Any person who votes in an election after the  
28 regular poll-closing time pursuant to a court or other order  
29 extending the statutory polling hours must vote a provisional  
30 ballot. Once voted, the provisional ballot shall be placed in  
31 a secrecy envelope and thereafter sealed in a provisional

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1 ballot envelope. The election official witnessing the voter's  
2 subscription and affirmation on the Provisional Ballot Voter's  
3 Certificate shall indicate whether or not the voter met all  
4 requirements to vote a regular ballot at the polls. All such  
5 provisional ballots shall remain sealed in their envelopes and  
6 be transmitted to the supervisor of elections.

7 (2) Separate and apart from all other ballots, the  
8 county canvassing board shall count all late-voted provisional  
9 ballots that the canvassing board determines to be valid.

10 (3) The supervisor shall ensure that late-voted  
11 provisional ballots are not commingled with other ballots  
12 during the canvassing process or at any other time they are  
13 statutorily required to be in the supervisor's possession.

14 (4) This section shall not apply to voters in line at  
15 the poll-closing time provided in s. 100.011 who cast their  
16 ballots subsequent to that time.

17 (5) As an alternative, provisional ballots cast  
18 pursuant to this section may, and for persons with  
19 disabilities shall, be cast in accordance with the provisions  
20 of s. 101.048(4).

21 Section 27. Effective July 1, 2005, section 101.051,  
22 Florida Statutes, as amended by section 10 of chapter  
23 2002-281, Laws of Florida, is amended to read:

24 101.051 Electors seeking assistance in casting  
25 ballots; oath to be executed; forms to be furnished.--

26 (1) Any elector applying to vote in any election who  
27 requires assistance to vote by reason of blindness,  
28 disability, or inability to read or write may request the  
29 assistance of two election officials or some other person of  
30 the elector's own choice, other than the elector's employer,  
31 an agent of the employer, or an officer or agent of his or her

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1 union, to assist the elector in casting his or her vote. Any  
2 such elector, before retiring to the voting booth, may have  
3 one of such persons read over to him or her, without  
4 suggestion or interference, the titles of the offices to be  
5 filled and the candidates therefor and the issues on the  
6 ballot. After the elector requests the aid of the two election  
7 officials or the person of the elector's choice, they shall  
8 retire to the voting booth for the purpose of casting the  
9 elector's vote according to the elector's choice.

10 (2) It is unlawful for any person to be in the voting  
11 booth with any elector except as provided in subsection (1).  
12 A person at a polling place or early voting site, or within  
13 100 feet of the entrance of a polling place or early voting  
14 site, may not solicit any elector in an effort to provide  
15 assistance to vote pursuant to subsection (1). Any person who  
16 violates this subsection commits a felony of the third degree,  
17 punishable as provided in s. 775.082, s. 775.083, or s.  
18 775.084.

19 (3) Any elector applying to cast an absentee ballot in  
20 the office of the supervisor, in any election, who requires  
21 assistance to vote by reason of blindness, disability, or  
22 inability to read or write may request the assistance of some  
23 person of his or her own choice, other than the elector's  
24 employer, an agent of the employer, or an officer or agent of  
25 his or her union, in casting his or her absentee ballot.

26 (4) If an elector needs assistance in voting pursuant  
27 to the provisions of this section, the clerk or one of the  
28 inspectors shall require the elector requesting assistance in  
29 voting to take the following oath:  
30

31 DECLARATION TO PROVIDE ASSISTANCE

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State of Florida  
County of ....  
Date ....  
Precinct ....

I, ...(Print name)..., swear or affirm that I am a  
registered elector and request assistance from ...(Print  
names)... in voting at the ...(name of election)... held on  
...(date of election).... ...(Signature of assistor)....  
Sworn and subscribed to before me this .... day of ....,  
...(year)....

...(Signature of Official Administering Oath)...  
(5) If an elector needing assistance requests that a  
person other than an election official provide him or her with  
assistance in voting, the clerk or one of the inspectors shall  
require the person providing assistance to take the following  
oath:

DECLARATION TO PROVIDE ASSISTANCE

State of Florida  
County of ....  
Date ....  
Precinct ....

I, ...(Print name)..., have been requested by ...(print  
name of elector needing assistance)... to provide him or her  
with assistance to vote. I swear or affirm that I am not the  
employer, an agent of the employer, or an officer or agent of  
the union of the voter and that I have not solicited this  
voter at the polling place or early voting site or within 100  
feet of such locations in an effort to provide

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1 assistance....(Signature of assistor)...

2 Sworn and subscribed to before me this .... day of ....,

3 ...(year)....

4 ...(Signature of Official Administering Oath)...

5 (6)(5) The supervisor of elections shall deliver a  
6 sufficient number of these forms to each precinct, along with  
7 other election paraphernalia.

8 Section 28. Section 101.111, Florida Statutes, is  
9 amended to read:

10 101.111 Person desiring to vote may be challenged;  
11 challenger to execute oath; oath of person challenged;  
12 determination of challenge.--

13 (1) When the right to vote of any person who desires  
14 to vote is challenged by any elector or poll watcher, the  
15 challenge shall be reduced to writing with an oath as provided  
16 in this section, giving reasons for the challenge, which shall  
17 be delivered to the clerk or inspector. Any elector or poll  
18 watcher challenging the right of a person to vote shall  
19 execute the oath set forth below:

20

21 OATH OF PERSON ENTERING CHALLENGE

22

23 State of Florida

24 County of ....

25

26 I do solemnly swear that my name is ....; that I am a member  
27 of the .... party; that I am a registered voter or pollwatcher

28 ~~.... years old~~; that my residence address is ...., in the

29 municipality of ....; and that I have reason to believe that

30 .... is attempting to vote illegally and the reasons for my

31 belief are set forth herein to wit: .....

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1 .....  
2 .....  
3 ... (Signature of person challenging voter) ...

4  
5 Sworn and subscribed to before me this .... day of ....,  
6 ... (year) ....  
7 ... (Clerk of election) ...

8  
9 (2) ~~Before a person who is challenged is permitted to~~  
10 ~~vote, the challenged person's right to vote shall be~~  
11 ~~determined in accordance with the provisions of subsection~~  
12 ~~(3). The clerk or inspector shall immediately deliver to the~~  
13 ~~challenged person a copy of the oath of the person entering~~  
14 ~~the challenge and the challenged voter shall be allowed to~~  
15 ~~casts a provisional ballot. shall request the challenged~~  
16 ~~person to execute the following oath:~~

17  
18 OATH OF PERSON CHALLENGED

19  
20 ~~State of Florida~~  
21 ~~County of ....~~

22  
23 ~~I do solemnly swear that my name is ....; that I am a member~~  
24 ~~of the .... party; that my date of birth is ....; that my~~  
25 ~~residence address is ...., in the municipality of ...., in~~  
26 ~~this the .... precinct of .... county; that I personally made~~  
27 ~~application for registration and signed my name and that I am~~  
28 ~~a qualified voter in this election.~~  
29 ~~... (Signature of person) ...~~

30  
31 Sworn and subscribed to before me this .... day of ....,

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1 ... (year)....

2 ~~...(Clerk of election or Inspector)...~~

3

4 ~~Any inspector or clerk of election may administer the oath.~~

5 (3) An elector or poll watcher who knowingly files a  
 6 frivolous challenge of any person's right to vote commits a  
 7 misdemeanor of the first degree, punishable as provided in s.  
 8 775.082 or s. 775.083. However, an elector or poll watcher is  
 9 not subject to liability for any action taken in good faith  
 10 and in furtherance of any activity or duty permitted of such  
 11 elector or poll watcher by law. (a) ~~The clerk and inspectors~~  
 12 ~~shall compare the information in the challenged person's oath~~  
 13 ~~with that entered on the precinct register and shall take any~~  
 14 ~~other evidence that may be offered. The clerk and inspectors~~  
 15 ~~shall then decide by a majority vote whether the challenged~~  
 16 ~~person may vote a regular ballot.~~

17 (b) ~~If the challenged person refuses to complete the~~  
 18 ~~oath or if a majority of the clerk and inspectors doubt the~~  
 19 ~~eligibility of the person to vote, the challenged person shall~~  
 20 ~~be allowed to vote a provisional ballot. The oath of the~~  
 21 ~~person entering the challenge and the oath of the person~~  
 22 ~~challenged shall be attached to the provisional ballot for~~  
 23 ~~transmittal to the canvassing board.~~

24 Section 29. Section 101.131, Florida Statutes, is  
 25 amended to read:

26 101.131 Watchers at polls.--

27 (1) Each political party and each candidate may have  
 28 one watcher in each polling room or early voting area at any  
 29 one time during the election. A political committee formed for  
 30 the specific purpose of expressly advocating the passage or  
 31 defeat of an issue on the ballot may have one watcher for each

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1 polling room or early voting area at any one time during the  
2 election. No watcher shall be permitted to come closer to the  
3 officials' table or the voting booths than is reasonably  
4 necessary to properly perform his or her functions, but each  
5 shall be allowed within the polling room or early voting area  
6 to watch and observe the conduct of electors and officials.  
7 The poll watchers shall furnish their own materials and  
8 necessities and shall not obstruct the orderly conduct of any  
9 election. The poll watchers shall pose any questions regarding  
10 polling place procedures directly to the clerk for resolution.  
11 They may not interact with voters. Each poll watcher shall be  
12 a qualified and registered elector of the county in which he  
13 or she serves.

14 (2) Each party, each political committee, and each  
15 candidate requesting to have poll watchers shall designate, in  
16 writing, ~~poll watchers for each precinct~~ prior to noon of the  
17 second Tuesday preceding the election poll watchers for each  
18 polling room on election day. Designations of poll watchers  
19 for early voting areas shall be submitted in writing to the  
20 supervisor of elections at least 14 days before early voting  
21 begins. The poll watchers for each polling room ~~precinct~~  
22 shall be approved by the supervisor of elections on or before  
23 the Tuesday before the election. Poll watchers for early  
24 voting areas shall be approved by the supervisor of elections  
25 no later than 7 days before early voting begins. The  
26 supervisor shall furnish to each election board ~~precinct~~ a  
27 list of the poll watchers designated and approved for such  
28 polling room or early voting area ~~precinct~~.

29 (3) No candidate or sheriff, deputy sheriff, police  
30 officer, or other law enforcement officer may be designated as  
31 a poll watcher.



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1           Section 30. Subsection (1) of section 101.151, Florida  
2 Statutes, is amended to read:

3           101.151 Specifications for ballots.--

4           (1) Marksense Paper ballots shall be printed on paper  
5 of such thickness that the printing cannot be distinguished  
6 from the back and shall meet the specifications of the voting  
7 system that will be used to tabulate the ballots.

8           Section 31. Section 101.171, Florida Statutes, is  
9 amended to read:

10           101.171 Copy of constitutional amendment to be  
11 available at voting locations ~~posted~~.--Whenever any amendment  
12 to the State Constitution is to be voted upon at any election,  
13 the Department of State shall have printed, and shall furnish  
14 to each supervisor of elections, a sufficient number of copies  
15 of the amendment either in poster or booklet form, and the  
16 supervisor shall have a copy thereof conspicuously posted or  
17 available at each polling room or early voting area ~~precinct~~  
18 upon the day of election.

19           Section 32. Section 101.294, Florida Statutes, is  
20 amended to read:

21           101.294 Purchase and sale of voting equipment.--

22           (1) The Division of Elections of the Department of  
23 State shall adopt uniform rules for the purchase, use, and  
24 sale of voting equipment in the state. No governing body  
25 shall purchase or cause to be purchased any voting equipment  
26 unless such equipment has been certified for use in this state  
27 by the Department of State.

28           (2) Any governing body contemplating the purchase or  
29 sale of voting equipment shall notify the Division of  
30 Elections of such considerations. The division shall attempt  
31 to coordinate the sale of excess or outmoded equipment by one

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1 county with purchases of necessary equipment by other  
2 counties.

3 (3) The division shall inform the governing bodies of  
4 the various counties of the state of the availability of new  
5 or used voting equipment and of sources available for  
6 obtaining such equipment.

7 (4) A vendor of voting equipment may not provide an  
8 uncertified voting system, voting system component, or voting  
9 system upgrade to a local governing body or supervisor of  
10 elections in this state.

11 (5) Before or in conjunction with providing a voting  
12 system, voting system component, or voting system upgrade, the  
13 vendor shall provide the local governing body or supervisor of  
14 elections with a sworn certification that the voting system,  
15 voting system component, or voting system upgrade being  
16 provided has been certified by the Division of Elections.

17 Section 33. Section 101.295, Florida Statutes, is  
18 amended to read:

19 101.295 Penalties for violation.--

20 (1) Any member of a governing body which purchases or  
21 sells voting equipment in violation of the provisions of ss.  
22 101.292-101.295, which member knowingly votes to purchase or  
23 sell voting equipment in violation of the provisions of ss.  
24 101.292-101.295, is guilty of a misdemeanor of the first  
25 degree, punishable as provided by s. 775.082 or s. 775.083,  
26 and shall be subject to suspension from office on the grounds  
27 of malfeasance.

28 (2) Any vendor, chief executive officer, or vendor  
29 representative of voting equipment who provides a voting  
30 system, voting system component, or voting system upgrade in  
31 violation of this chapter commits a felony of the third

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1 degree, punishable as provided in s. 775.082, s. 775.083, or  
2 s. 775.084.

3 Section 34. Section 101.49, Florida Statutes, is  
4 amended to read:

5 101.49 Procedure of election officers where signatures  
6 differ.--

7 (1) Whenever any clerk or inspector, upon a just  
8 comparison of the signatures, doubts that the signature on the  
9 identification presented by the ~~of any elector who presents~~  
10 ~~himself or herself at the polls to vote~~ is the same as the  
11 signature ~~of~~ the elector affixed on the precinct register or  
12 early voting certificate ~~in the registration book~~, the clerk  
13 or inspector shall deliver to the person an affidavit which  
14 shall be in substantially the following form:

15

16 STATE OF FLORIDA,

17 COUNTY OF .....

18 I do solemnly swear (or affirm) that my name is ....;

19 that I am .... years old; that I was born in the State of

20 ....; that I am registered to vote, ~~and at the time I~~21 ~~registered I resided on .... Street, in the municipality of~~22 ~~...., County of ...., State of Florida~~; that I am a qualified

23 voter of the county and state aforesaid and have not voted in  
24 this election.

25 ...(Signature of voter)...

26 Sworn to and subscribed before me this .... day of

27 ....., A. D....(year)....

28 ...(Clerk or inspector of election)...

29 Precinct No. ....

30 County of .....

31

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1           (2) The person shall fill out, in his or her own  
2 handwriting or with assistance from a member of the election  
3 board, the form and make an affidavit to the facts stated in  
4 the filled-in form; such affidavit shall then be sworn to and  
5 subscribed before one of the inspectors or clerks of the  
6 election who is authorized to administer the oath. Whenever  
7 the affidavit is made and filed with the clerk or inspector,  
8 the person shall then be admitted to cast his or her vote, but  
9 if the person fails or refuses to make out or file such  
10 affidavit and asserts his or her eligibility, then he or she  
11 shall be entitled to vote a provisional ballot ~~not be~~  
12 ~~permitted to vote.~~

13           Section 35. Effective July 1, 2005, subsection (1) of  
14 section 101.51, Florida Statutes, as amended by section 11 of  
15 chapter 2002-281, Laws of Florida, is amended to read:

16           101.51 Electors to occupy booth alone.--

17           (1) When the elector presents himself or herself to  
18 vote, the election official shall ascertain whether the  
19 elector's name is upon the register of electors, and, if the  
20 elector's name appears and no challenge interposes, or, if  
21 interposed, be not sustained, one of the election officials  
22 stationed at the entrance shall announce the name of the  
23 elector and permit him or her to enter the booth or  
24 compartment to cast his or her vote, allowing only one elector  
25 at a time to pass through to vote. An elector, while casting  
26 his or her ballot, may not occupy a booth or compartment  
27 already occupied or speak with anyone, except as provided by  
28 s. 101.051, ~~while in the polling place.~~

29           Section 36. Subsection (2) of section 101.5612,  
30 Florida Statutes, is amended to read:

31           101.5612 Testing of tabulating equipment.--

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1           (2) On any day not more than 10 days prior to the  
2 commencement of early voting as provided in s. 101.657, the  
3 supervisor of elections shall have the automatic tabulating  
4 equipment publicly tested to ascertain that the equipment will  
5 correctly count the votes cast for all offices and on all  
6 measures. If the ballots to be used at the polling place on  
7 election day are not available at the time of the testing, the  
8 supervisor may conduct an additional test not more than 10  
9 days before election day. Public notice of the time and place  
10 of the test shall be given at least 48 hours prior thereto by  
11 publication once in one or more newspapers of general  
12 circulation in the county or, if there is no newspaper of  
13 general circulation in the county, by posting the notice in at  
14 least four conspicuous places in the county. The supervisor or  
15 the municipal elections official may, at the time of  
16 qualifying, give written notice of the time and location of  
17 the public preelection test to each candidate qualifying with  
18 that office and obtain a signed receipt that the notice has  
19 been given. The Department of State shall give written notice  
20 to each statewide candidate at the time of qualifying, or  
21 immediately at the end of qualifying, that the voting  
22 equipment will be tested and advise each candidate to contact  
23 the county supervisor of elections as to the time and location  
24 of the public preelection test. The supervisor or the  
25 municipal elections official shall, at least 15 days prior to  
26 the commencement of early voting as provided in s. 101.657,  
27 send written notice by certified mail to the county party  
28 chair of each political party and to all candidates for other  
29 than statewide office whose names appear on the ballot in the  
30 county and who did not receive written notification from the  
31 supervisor or municipal elections official at the time of

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1 qualifying, stating the time and location of the public  
2 preelection test of the automatic tabulating equipment. The  
3 canvassing board shall convene, and each member of the  
4 canvassing board shall certify to the accuracy of the test.  
5 For the test, the canvassing board may designate one member to  
6 represent it. The test shall be open to representatives of the  
7 political parties, the press, and the public. Each political  
8 party may designate one person with expertise in the computer  
9 field who shall be allowed in the central counting room when  
10 all tests are being conducted and when the official votes are  
11 being counted. The designee shall not interfere with the  
12 normal operation of the canvassing board.

13 Section 37. Section 101.572, Florida Statutes, is  
14 amended to read:

15 101.572 Public inspection of ballots.--The official  
16 ballots and ballot cards received from election boards and  
17 removed from absentee ballot mailing envelopes shall be open  
18 for public inspection or examination while in the custody of  
19 the supervisor of elections or the county canvassing board at  
20 any reasonable time, under reasonable conditions; however, no  
21 persons other than the supervisor of elections or his or her  
22 employees or the county canvassing board shall handle any  
23 official ballot or ballot card. If the ballots are being  
24 examined prior to the end of the contest period in s. 102.168,  
25 the supervisor of elections shall make a reasonable effort to  
26 notify all candidates whose names appear on such ballots or  
27 ballot cards by telephone or otherwise of the time and place  
28 of the inspection or examination. All such candidates, or  
29 their representatives, shall be allowed to be present during  
30 the inspection or examination.

31 Section 38. Section 101.58, Florida Statutes, is

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1 amended to read:

2           101.58 Supervising and observing registration and  
3 election processes.--

4           (1) The Department of State may, at any time it deems  
5 fit; upon the petition of 5 percent of the registered  
6 electors; or upon the petition of any candidate, county  
7 executive committee chair, state committeeman or  
8 committeewoman, or state executive committee chair, appoint  
9 one or more deputies whose duties shall be to observe and  
10 examine the registration and election processes and the  
11 condition, custody, and operation of voting systems and  
12 equipment in any county or municipality. The deputy shall have  
13 access to all registration books and records as well as any  
14 other records or procedures relating to the voting process.  
15 The deputy may supervise preparation of the voting equipment  
16 and procedures for election, and it shall be unlawful for any  
17 person to obstruct the deputy in the performance of his or her  
18 duty. The deputy shall file with the Department of State a  
19 report of his or her findings and observations of the  
20 registration and election processes in the county or  
21 municipality, and a copy of the report shall also be filed  
22 with the clerk of the circuit court of said county. The  
23 compensation of such deputies shall be fixed by the Department  
24 of State; and costs incurred under this section shall be paid  
25 from the annual operating appropriation made to the Department  
26 of State.

27           (2) Upon the written direction of the Secretary of  
28 State, any employee of the Department of State shall have full  
29 access to all premises, records, equipment, and staff of the  
30 supervisor of elections.

31           Section 39. Subsection (1) of section 101.595, Florida

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1 Statutes, is amended to read:

2           101.595 Analysis and reports of voting problems.--

3           (1) No later than December 15 of each general election  
4 year, the supervisor of elections in each county shall report  
5 to the Department of State the total number of overvotes and  
6 undervotes in the "President and Vice President" or "Governor  
7 and Lieutenant Governor" race that appears first on the ballot  
8 or, if neither appears, the first race appearing on the ballot  
9 pursuant to s. 101.151(2), along with the likely reasons for  
10 such overvotes and undervotes and other information as may be  
11 useful in evaluating the performance of the voting system and  
12 identifying problems with ballot design and instructions which  
13 may have contributed to voter confusion.

14           Section 40. Section 101.6103, Florida Statutes, is  
15 amended to read:

16           101.6103 Mail ballot election procedure.--

17           (1) Except as otherwise provided in subsection(7)  
18 ~~(6)~~, the supervisor of elections shall mail all official  
19 ballots with a secrecy envelope, a return mailing envelope,  
20 and instructions sufficient to describe the voting process to  
21 each elector entitled to vote in the election not sooner than  
22 the 20th day before the election and not later than the 10th  
23 day before the date of the election. All such ballots shall  
24 be mailed by first-class mail. Ballots shall be addressed to  
25 each elector at the address appearing in the registration  
26 records and placed in an envelope which is prominently marked  
27 "Do Not Forward."

28           (2) Upon receipt of the ballot the elector shall mark  
29 the ballot, place it in the secrecy envelope, sign the return  
30 mailing envelope supplied with the ballot, and comply with the  
31 instructions provided with the ballot. The elector shall mail,



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1 deliver, or have delivered the marked ballot so that it  
2 reaches the supervisor of elections no later than 7 p.m. on  
3 the day of the election. The ballot must be returned in the  
4 return mailing envelope.

5 (3) The return mailing envelope shall contain a  
6 statement in substantially the following form:

7

8 VOTER'S CERTIFICATE

9

10 I, (Print Name), do solemnly swear (or affirm) that I  
11 am a qualified voter in this election and that I have not and  
12 will not vote more than one ballot in this election.

13 I understand that failure to sign this certificate and  
14 give my residence address will invalidate my ballot.

15 ... (Signature) ...

16 ... (Residence Address) ...

17

18 (4) If the ballot is destroyed, spoiled, lost, or not  
19 received by the elector, the elector may obtain a replacement  
20 ballot from the supervisor of elections as provided in this  
21 subsection. An elector seeking a replacement ballot shall  
22 sign a sworn statement that the ballot was destroyed, spoiled,  
23 lost, or not received and present such statement to the  
24 supervisor of elections prior to 7 p.m. on the day of the  
25 election. The supervisor of elections shall keep a record of  
26 each replacement ballot provided under this subsection.

27 (5) A ballot shall be counted only if:

28 (a) It is returned in the return mailing envelope;

29 (b) The elector's signature has been verified as  
30 provided in this subsection; and

31 (c) It is received by the supervisor of elections not

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1 later than 7 p.m. on the day of the election.

2

3 The supervisor of elections shall verify the signature of each  
4 elector on the return mailing envelope with the signature on  
5 the elector's registration records. Such verification may  
6 commence at any time prior to the canvass of votes. The  
7 supervisor of elections shall safely keep the ballot unopened  
8 in his or her office until the county canvassing board  
9 canvasses the vote. If the supervisor of elections determines  
10 that an elector to whom a replacement ballot has been issued  
11 under subsection (4) has voted more than once, the canvassing  
12 board shall determine which ballot, if any, is to be counted.

13 (6) The canvassing board may begin the canvassing of  
14 mail ballots at 7 a.m. on the fourth day before the election,  
15 including processing the ballots through the tabulating  
16 equipment. However, results may not be released until after 7  
17 p.m. on election day. Any canvassing board member or election  
18 employee who releases any result before 7 p.m. on election day  
19 commits a felony of the third degree, punishable as provided  
20 in s. 775.082, s. 775.083, or s. 775.084.

21 (7)(6) With respect to absent electors overseas  
22 entitled to vote in the election, the supervisor of elections  
23 shall mail an official ballot with a secrecy envelope, a  
24 return mailing envelope, and instructions sufficient to  
25 describe the voting process to each such elector on a date  
26 sufficient to allow such elector time to vote in the election  
27 and to have his or her marked ballot reach the supervisor by 7  
28 p.m. on the day of the election.

29 Section 41. Section 101.62, Florida Statutes, is  
30 amended to read:

31 101.62 Request for absentee ballots.--

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1           (1)(a) The supervisor may accept a request for an  
2 absentee ballot from an elector in person or in writing.  
3 Except as provided in s. 101.694, one request shall be deemed  
4 sufficient to receive an absentee ballot for all elections  
5 which are held within a calendar year, unless the elector or  
6 the elector's designee indicates at the time the request is  
7 made the elections for which the elector desires to receive an  
8 absentee ballot. Such request may be considered canceled when  
9 any first-class mail sent by the supervisor to the elector is  
10 returned as undeliverable.

11           (b) The supervisor may accept a written or telephonic  
12 request for an absentee ballot from the elector, or, if  
13 directly instructed by the elector, a member of the elector's  
14 immediate family, or the elector's legal guardian. For  
15 purposes of this section, the term "immediate family" has the  
16 same meaning as specified in paragraph (4)(b). The person  
17 making the request must disclose:

- 18           1. The name of the elector for whom the ballot is  
19 requested;
- 20           2. The elector's address;
- 21           3. The elector's date of birth;
- 22           4. The requester's name;
- 23           5. The requester's address;
- 24           6. The requester's driver's license number, if  
25 available;
- 26           7. The requester's relationship to the elector; and
- 27           8. The requester's signature (written requests only).

28           (2) ~~if~~ A request for an absentee ballot to be mailed  
29 to a voter must be is received no later than 5 p.m. on the  
30 sixth day after the Friday before the election by the  
31 supervisor of elections ~~from an absent elector overseas, the~~

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1 ~~supervisor shall send a notice to the elector acknowledging~~  
2 ~~receipt of his or her request and notifying the elector that~~  
3 ~~the ballot will not be forwarded due to insufficient time for~~  
4 ~~return of the ballot by the required deadline. The supervisor~~  
5 of elections shall mail absentee ballots to voters requesting  
6 ballots by such deadline no later than 4 days before the  
7 election.

8 (3) For each request for an absentee ballot received,  
9 the supervisor shall record the date the request was made, the  
10 date the absentee ballot was delivered to the voter or the  
11 voter's designee or the date the absentee ballot was delivered  
12 to the post office or other carrier ~~or mailed~~, the date the  
13 ballot was received by the supervisor, and such other  
14 information he or she may deem necessary. This information  
15 shall be confidential and exempt from the provisions of s.  
16 119.07(1) and shall be made available to or reproduced only  
17 for the voter requesting the ballot, a canvassing board, an  
18 election official, a political party or official thereof, a  
19 candidate who has filed qualification papers and is opposed in  
20 an upcoming election, and registered political committees or  
21 registered committees of continuous existence, for political  
22 purposes only.

23 (4)(a) To each absent qualified elector overseas who  
24 has requested an absentee ballot, the supervisor of elections  
25 shall, not fewer than 35 days before the first primary  
26 election, mail an absentee ballot. Not fewer than 45 days  
27 before the second primary and general election, the supervisor  
28 of elections shall mail an absentee ballot. If the regular  
29 absentee ballots are not available, the supervisor shall mail  
30 an advance absentee ballot to those persons requesting ballots  
31 for such elections. The advance absentee ballot for the

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1 second primary shall be the same as the first primary absentee  
 2 ballot as to the names of candidates, except that for any  
 3 offices where there are only two candidates, those offices and  
 4 all political party executive committee offices shall be  
 5 omitted. Except as provided in ss. 99.063(4) and 100.371(8)  
 6 ~~100.371(6)~~, the advance absentee ballot for the general  
 7 election shall be as specified in s. 101.151, except that in  
 8 the case of candidates of political parties where nominations  
 9 were not made in the first primary, the names of the  
 10 candidates placing first and second in the first primary  
 11 election shall be printed on the advance absentee ballot. The  
 12 advance absentee ballot or advance absentee ballot information  
 13 booklet shall be of a different color for each election and  
 14 also a different color from the absentee ballots for the first  
 15 primary, second primary, and general election. The supervisor  
 16 shall mail an advance absentee ballot for the second primary  
 17 and general election to each qualified absent elector for whom  
 18 a request is received until the absentee ballots are printed.  
 19 The supervisor shall enclose with the advance second primary  
 20 absentee ballot and advance general election absentee ballot  
 21 an explanation stating that the absentee ballot for the  
 22 election will be mailed as soon as it is printed; and, if both  
 23 the advance absentee ballot and the absentee ballot for the  
 24 election are returned in time to be counted, only the absentee  
 25 ballot will be counted. The Department of State may prescribe  
 26 by rule the requirements for preparing and mailing absentee  
 27 ballots to absent qualified electors overseas.

28 (b) As soon as the remainder of the absentee ballots  
 29 are printed, the supervisor shall provide an absentee ballot  
 30 to each elector by whom a request for that ballot has been  
 31 made by one of the following means:

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1           1. By nonforwardable, return-if-undeliverable mail to  
2 the elector's current mailing address on file with the  
3 supervisor, unless the elector specifies in the request that:

4           a. The elector is absent from the county and does not  
5 plan to return before the day of the election;

6           b. The elector is temporarily unable to occupy the  
7 residence because of hurricane, tornado, flood, fire, or other  
8 emergency or natural disaster; or

9           c. The elector is in a hospital, assisted-living  
10 facility, nursing home, short-term medical or rehabilitation  
11 facility, or correctional facility,

12  
13 in which case the supervisor shall mail the ballot by  
14 nonforwardable, return-if-undeliverable mail to any other  
15 address the elector specifies in the request.

16           2. By forwardable mail to voters who are entitled to  
17 vote by absentee ballot under the Uniformed and Overseas  
18 Citizens Absentee Voting Act.

19           3. By personal delivery before 7 p.m. on election day  
20 to the elector, upon presentation of the identification  
21 required in s. 101.657.

22           4. By delivery to a designee on election day or up to  
23 4 days prior to the day of an election. Any elector may  
24 designate in writing a person to pick up the ballot for the  
25 elector; however, the person designated may not pick up more  
26 than two absentee ballots per election, other than the  
27 designee's own ballot, except that additional ballots may be  
28 picked up for members of the designee's immediate family. For  
29 purposes of this section, "immediate family" means the  
30 designee's spouse or the parent, child, grandparent, or  
31 sibling of the designee or of the designee's spouse. The

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1 designee shall provide to the supervisor the written  
2 authorization by the elector and a picture identification of  
3 the designee and must complete an affidavit. The designee  
4 shall state in the affidavit that the designee is authorized  
5 by the elector to pick up that ballot and shall indicate if  
6 the elector is a member of the designee's immediate family  
7 and, if so, the relationship. The department shall prescribe  
8 the form of the affidavit. If the supervisor is satisfied that  
9 the designee is authorized to pick up the ballot and that the  
10 signature of the elector on the written authorization matches  
11 the signature of the elector on file, the supervisor shall  
12 give the ballot to that designee for delivery to the elector.

13 (5) In the event that the Elections Canvassing  
14 Commission is unable to certify the results of an election for  
15 a state office in time to comply with subsection (4), the  
16 Department of State is authorized to prescribe rules for a  
17 ballot to be sent to absent electors overseas.

18 (6) Nothing other than the materials necessary to vote  
19 absentee shall be mailed or delivered with any absentee  
20 ballot.

21 Section 42. Section 101.64, Florida Statutes, is  
22 amended to read:

23 101.64 Delivery of absentee ballots; envelopes;  
24 form.--

25 (1) The supervisor shall enclose with each absentee  
26 ballot two envelopes: a secrecy envelope, into which the  
27 absent elector shall enclose his or her marked ballot; and a  
28 mailing envelope, into which the absent elector shall then  
29 place the secrecy envelope, which shall be addressed to the  
30 supervisor and also bear on the back side a certificate in  
31 substantially the following form:

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Note: Please Read Instructions Carefully Before  
Marking Ballot and Completing Voter's Certificate.

## VOTER'S CERTIFICATE

I, ....., do solemnly swear or affirm that I am a qualified and registered voter of .... County, Florida, and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate will invalidate my ballot.

```
...(Date)<.dir>                                ...(Voter's Signature)...
```

(2) The certificate shall be arranged on the back of the mailing envelope so that the line for the signature of the absent elector is across the seal of the envelope; however, no statement shall appear on the envelope which indicates that a signature of the voter must cross the seal of the envelope. The absent elector shall execute the certificate on the envelope.

(3) In lieu of the voter's certificate provided in this section, the supervisor of elections shall provide each person voting absentee under the Uniformed and Overseas Citizens Absentee Voting Act with the standard oath prescribed by the presidential designee.

Section 43. Subsection (2) of section 101.663, Florida

Statutes, is amended to read:



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1 101.663 Electors; change of residence.--

2 (2) An elector registered in this state who moves his  
3 or her permanent residence to another state after the  
4 registration books in that state have closed ~~and who is~~  
5 ~~prohibited by the laws of that state from voting for the~~  
6 ~~offices of President and Vice President of the United States~~  
7 shall be permitted to vote absentee in the county of his or  
8 her former residence for the offices of President and Vice  
9 President of the United States ~~those offices.~~

10 Section 44. Subsection (1) of section 101.68, Florida  
11 Statutes, is amended to read:

12 101.68 Canvassing of absentee ballot.--

13 (1) The supervisor of the county where the absent  
14 elector resides shall receive the voted ballot, at which time  
15 the supervisor shall compare the signature of the elector on  
16 the voter's certificate with the signature of the elector in  
17 the registration books to determine whether the elector is  
18 duly registered in the county and may record on the elector's  
19 registration certificate that the elector has voted. The  
20 supervisor shall safely keep the ballot unopened in his or her  
21 office until the county canvassing board canvasses the vote.  
22 After an absentee ballot is received by the supervisor, the  
23 ballot is deemed to have been cast, and changes or additions  
24 may not be made to the voter's certificate.

25 Section 45. Section 101.69, Florida Statutes, is  
26 amended to read:

27 101.69 Voting in person; return of absentee  
28 ballot.--The provisions of this code shall not be construed to  
29 prohibit any elector from voting in person at the elector's  
30 precinct on the day of an election or at an early voting site,

31 notwithstanding that the elector has requested an absentee

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1 ballot for that election. An elector who has returned a voted  
2 absentee ballot to the supervisor, however, is deemed to have  
3 cast his or her ballot and is not entitled to vote another  
4 ballot or to have a provisional ballot counted by the county  
5 canvassing board. An elector who has received an absentee  
6 ballot and has not returned the voted ballot to the  
7 supervisor, but desires to vote in person, shall return the  
8 ballot, whether voted or not, to the election board in the  
9 elector's precinct or to an early voting site. The returned  
10 ballot shall be marked "canceled" by the board and placed with  
11 other canceled ballots. However, if the elector does not  
12 return the ballot and the election official:

13 (1) Confirms that the supervisor has received the  
14 elector's absentee ballot, the elector shall not be allowed to  
15 vote in person. If the elector maintains that he or she has  
16 not returned the absentee ballot or remains eligible to vote,  
17 the elector shall be provided a provisional ballot as provided  
18 in s. 101.048.

19 (2) Confirms that the supervisor has not received the  
20 elector's absentee ballot, the elector shall be allowed to  
21 vote in person as provided in this code. The elector's  
22 absentee ballot, if subsequently received, shall not be  
23 counted and shall remain in the mailing envelope, and the  
24 envelope shall be marked "Rejected as Illegal."

25 (3) Cannot determine whether the supervisor has  
26 received the elector's absentee ballot, the elector may vote a  
27 provisional ballot as provided in s. 101.048.

28 Section 46. Section 101.6923, Florida Statutes, is  
29 amended to read:

30 101.6923 Special absentee ballot instructions for  
31 certain first-time voters.--

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1           (1) The provisions of this section apply to voters who  
2 registered to vote by mail, who have not previously voted in  
3 the county, and who have not provided the identification or  
4 information required by s. 97.0535 by the time the absentee  
5 ballot is mailed.

6           (2) A voter covered by this section shall be provided  
7 with the following printed instructions with his or her  
8 absentee ballot in substantially the following form:

9

10           READ THESE INSTRUCTIONS CAREFULLY BEFORE  
11           MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE  
12           INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO  
13           COUNT.

14

15           1. In order to ensure that your absentee ballot will  
16 be counted, it should be completed and returned as soon as  
17 possible so that it can reach the supervisor of elections of  
18 the county in which your precinct is located no later than 7  
19 p.m. on the date of the election.

20           2. Mark your ballot in secret as instructed on the  
21 ballot. You must mark your own ballot unless you are unable to  
22 do so because of blindness, disability, or inability to read  
23 or write.

24           3. Mark only the number of candidates or issue choices  
25 for a race as indicated on the ballot. If you are allowed to  
26 "Vote for One" candidate and you vote for more than one, your  
27 vote in that race will not be counted.

28           4. Place your marked ballot in the enclosed secrecy  
29 envelope and seal the envelope.

30           5. Insert the secrecy envelope into the enclosed  
31 envelope bearing the Voter's Certificate. Seal the envelope

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1 and completely fill out the Voter's Certificate on the back of  
2 the envelope.

3 a. You must sign your name on the line above (Voter's  
4 Signature).

5 b. If you are an overseas voter, you must include the  
6 date you signed the Voter's Certificate on the line above  
7 (Date) or your ballot may not be counted.

8 6. Unless you meet one of the exemptions in Item 7.,  
9 you must make a copy of one of the following forms of  
10 identification:

11 a. Identification which must include your name and  
12 photograph: current and valid Florida driver's license;  
13 Florida identification card issued by the Department of  
14 Highway Safety and Motor Vehicles; United States passport;  
15 employee badge or identification; buyer's club identification  
16 card; debit or credit card; military identification; student  
17 identification; retirement center identification; neighborhood  
18 association identification; entertainment identification; or  
19 public assistance identification; or

20 b. Identification which shows your name and current  
21 residence address: current utility bill, bank statement,  
22 government check, paycheck, or government document (excluding  
23 voter identification card).

24 7. The identification requirements of Item 6. do not  
25 apply if you meet one of the following requirements:

26 a. You are 65 years of age or older.

27 b. You have a temporary or permanent physical  
28 disability.

29 c. You are a member of a uniformed service on active  
30 duty who, by reason of such active duty, will be absent from  
31 the county on election day.

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1           d. You are a member of the Merchant Marine who, by  
2 reason of service in the Merchant Marine, will be absent from  
3 the county on election day.

4           e. You are the spouse or dependent of a member  
5 referred to in paragraph c. or paragraph d. who, by reason of  
6 the active duty or service of the member, will be absent from  
7 the county on election day.

8           f. You are currently residing outside the United  
9 States.

10           8. Place the envelope bearing the Voter's Certificate  
11 into the mailing envelope addressed to the supervisor. Insert  
12 a copy of your identification in the mailing envelope. DO NOT  
13 PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE  
14 BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S  
15 CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.

16           9. Mail, deliver, or have delivered the completed  
17 mailing envelope. Be sure there is sufficient postage if  
18 mailed.

19           10. FELONY NOTICE. It is a felony under Florida law to  
20 accept any gift, payment, or gratuity in exchange for your  
21 vote for a candidate. It is also a felony under Florida law to  
22 vote in an election using a false identity or false address,  
23 or under any other circumstances making your ballot false or  
24 fraudulent.

25           Section 47. Subsection (3) of section 101.694, Florida  
26 Statutes, is amended to read:

27           101.694 Mailing of ballots upon receipt of federal  
28 postcard application.--

29           (3) Absentee envelopes printed for voters entitled to  
30 vote absentee under the Uniformed and Overseas Citizens

31 Absentee Voting Act shall meet the specifications as

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1 determined by the Federal Voting Assistance Program of the  
2 United States Department of Defense and the United States  
3 Postal Service. There shall be printed across the face of each  
4 envelope in which a ballot is sent to a federal postcard  
5 applicant, or is returned by such applicant to the supervisor,  
6 two parallel horizontal red bars, each one-quarter inch wide,  
7 extending from one side of the envelope to the other side,  
8 with an intervening space of one-quarter inch, the top bar to  
9 be 1 1/4 inches from the top of the envelope, and with the  
10 words "Official Election Balloting Material via Air Mail," or  
11 similar language, between the bars. There shall be printed in  
12 the upper right corner of each such envelope, in a box, the  
13 words "Free of U. S. Postage, including Air Mail." All  
14 printing on the face of each envelope shall be in red, and  
15 there shall be printed in red in the upper left corner of each  
16 ballot envelope an appropriate inscription or blanks for  
17 return address of sender. Additional specifications may be  
18 prescribed by rule of the Division of Elections upon  
19 recommendation of the presidential designee under the  
20 Uniformed and Overseas Citizens Absentee Voting Act.  
21 Otherwise, the envelopes shall be the same as those used in  
22 sending ballots to, or receiving them from, other absentee  
23 voters.

24       Section 48. Section 101.697, Florida Statutes, is  
25 amended to read:

26       101.697 Electronic transmission of election  
27 materials.--The Department of State shall determine whether  
28 secure electronic means can be established for receiving  
29 ballots from overseas voters. If such security can be  
30 established, the department shall adopt rules to authorize a  
31 supervisor of elections to accept from an overseas voter a

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1 request for an absentee ballot or ~~and~~ a voted absentee ballot  
2 by secure facsimile machine transmission or other secure  
3 electronic means ~~from overseas voters~~. The rules must provide  
4 that in order to accept a voted ballot, the verification of  
5 the voter must be established, the security of the  
6 transmission must be established, and each ballot received  
7 must be recorded.

8 Section 49. Section 102.012, Florida Statutes, is  
9 amended to read:

10 102.012 Inspectors and clerks to conduct elections.--

11 (1) The supervisor of elections of each county, at  
12 least 20 days prior to the holding of any election, shall  
13 appoint an election board comprised of poll workers who serve  
14 as clerks or inspectors ~~two election boards~~ for each precinct  
15 in the county; ~~however, the supervisor of elections may, in~~  
16 ~~any election, appoint one election board if the supervisor has~~  
17 ~~reason to believe that only one is necessary~~. The clerk shall  
18 be in charge of, and responsible for, seeing that the election  
19 board carries out its duties and responsibilities. Each  
20 inspector and each clerk shall take and subscribe to an oath  
21 or affirmation, which shall be written or printed, to the  
22 effect that he or she will perform the duties of inspector or  
23 clerk of election, respectively, according to law and will  
24 endeavor to prevent all fraud, deceit, or abuse in conducting  
25 the election. The oath may be taken before an officer  
26 authorized to administer oaths or before any of the persons  
27 who are to act as inspectors, one of them to swear the others,  
28 and one of the others sworn thus, in turn, to administer the  
29 oath to the one who has not been sworn. The oaths shall be  
30 returned with the poll list and the returns of the election to  
31 the supervisor. In all questions that may arise before the

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1 members of an election board, the decision of a majority of  
2 them shall decide the question. The supervisor of elections  
3 of each county shall be responsible for the attendance and  
4 diligent performance of his or her duties by each clerk and  
5 inspector.

6 (2) Each member of the election board shall be able to  
7 read and write the English language and shall be a registered  
8 qualified elector of the county in which the member is  
9 appointed or a person who has preregistered to vote, pursuant  
10 to s. 97.041(1)(b), in the county in which the member is  
11 appointed. No election board shall be composed solely of  
12 members of one political party; however, in any primary in  
13 which only one party has candidates appearing on the ballot,  
14 all clerks and inspectors may be of that party. Any person  
15 whose name appears as an opposed candidate for any office  
16 shall not be eligible to serve on an election board.

17 (3) The supervisor shall furnish inspectors of  
18 election for each precinct with the list of registered voters  
19 for the precinct ~~registration books divided alphabetically as~~  
20 ~~will best facilitate the holding of an election.~~ The  
21 supervisor shall also furnish to the inspectors of election at  
22 the polling place at each precinct in the supervisor's county  
23 a sufficient number of forms and blanks for use on election  
24 day.

25 (4)(a) The election board of each precinct shall  
26 attend the polling place by 6 a.m. of the day of the election  
27 and shall arrange the furniture, stationery, and voting  
28 equipment.

29 (b) ~~The~~ The ~~An~~ election board shall conduct the voting,  
30 beginning and closing at the time set forth in s. 100.011. ~~if~~  
31 ~~more than one board has been appointed, the second board~~



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1 ~~shall, upon the closing of the polls, come on duty and count~~  
2 ~~the votes cast. In such case, the first board shall turn over~~  
3 ~~to the second board all closed ballot boxes, registration~~  
4 ~~books, and other records of the election at the time the~~  
5 ~~boards change. The second board shall continue counting until~~  
6 ~~the count is complete or until 7 a.m. the next morning, and,~~  
7 ~~if the count is not completed at that time, the first board~~  
8 ~~that conducted the election shall again report for duty and~~  
9 ~~complete the count. The second board shall turn over to the~~  
10 ~~first board all ballots counted, all ballots not counted, and~~  
11 ~~all registration books and other records and shall advise the~~  
12 ~~first board as to what has transpired in tabulating the~~  
13 ~~results of the election.~~

14 ~~(5) In precincts in which there are more than 1,000~~  
15 ~~registered electors, the supervisor of elections shall appoint~~  
16 ~~additional election boards necessary for the election.~~

17 ~~(6) In any precinct in which there are fewer than 300~~  
18 ~~registered electors, it is not necessary to appoint two~~  
19 ~~election boards, but one such board will suffice. Such board~~  
20 ~~shall be composed of at least one inspector and one clerk.~~

21 Section 50. Subsections (1), (2), (3), and (5) of  
22 section 102.014, Florida Statutes, is amended to read:

23 102.014 Poll worker recruitment and training.--

24 (1) The supervisor of elections shall conduct training  
25 for inspectors, clerks, and deputy sheriffs prior to each  
26 primary, general, and special election for the purpose of  
27 instructing such persons in their duties and responsibilities  
28 as election officials. The Division of Elections shall develop  
29 a statewide uniform training curriculum for poll workers, and  
30 each supervisor shall use such curriculum in training poll

31 workers. A certificate may be issued by the supervisor of

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elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. A clerk may not work at the polls unless he or she demonstrates a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills.

(2) A person who has attended previous training conducted within 2 years before the election may be appointed by the supervisor to fill a vacancy on an election board ~~day~~. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (3) from among persons who have not received the training required by this section.

(3) In the case of absence or refusal to act on the part of any inspector or clerk ~~at any precinct on the day of an election~~, the supervisor shall appoint a replacement who meets the qualifications prescribed in s. 102.012(2). The inspector or clerk so appointed shall be a member of the same political party as the clerk or inspector whom he or she replaces.

(5) The Department of State shall create a uniform polling place procedures manual and adopt the manual by rule. Each supervisor of elections shall ensure that the manual is available in hard copy or electronic form in every polling place ~~precinct in the supervisor's jurisdiction on election day~~. The manual shall guide inspectors, clerks, and deputy sheriffs in the proper implementation of election procedures and laws. The manual shall be indexed by subject, and written

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1 in plain, clear, unambiguous language. The manual shall  
2 provide specific examples of common problems encountered at  
3 the polls ~~on election day~~, and detail specific procedures for  
4 resolving those problems. The manual shall include, without  
5 limitation:

6 (a) Regulations governing solicitation by individuals  
7 and groups at the polling place;

8 (b) Procedures to be followed with respect to voters  
9 whose names are not on the precinct register;

10 (c) Proper operation of the voting system;

11 (d) Ballot handling procedures;

12 (e) Procedures governing spoiled ballots;

13 (f) Procedures to be followed after the polls close;

14 (g) Rights of voters at the polls;

15 (h) Procedures for handling emergency situations;

16 (i) Procedures for dealing with irate voters;

17 (j) The handling and processing of provisional  
18 ballots; and

19 (k) Security procedures.

20

21 The Department of State shall revise the manual as necessary  
22 to address new procedures in law or problems encountered by  
23 voters and poll workers at the precincts.

24 Section 51. Section 102.031, Florida Statutes, is  
25 amended to read:

26 102.031 Maintenance of good order at polls;  
27 authorities; persons allowed in polling rooms and early voting  
28 areas; unlawful solicitation of voters.--

29 (1) Each election board shall possess full authority  
30 to maintain order at the polls and enforce obedience to its  
31 lawful commands during an election and the canvass of the

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1 votes.

2 (2) The sheriff shall deputize a deputy sheriff for  
3 each polling place and each early voting site who shall be  
4 present during the time the polls or early voting sites are  
5 open and until the election is completed, who shall be subject  
6 to all lawful commands of the clerk or inspectors, and who  
7 shall maintain good order. The deputy may summon assistance  
8 from among bystanders to aid him or her when necessary to  
9 maintain peace and order at the polls or early voting sites.

10 (3)(a) No person may enter any polling room or polling  
11 place where the polling place is also a polling room, or any  
12 early voting area during voting hours except the following:

- 13 1. Official poll watchers;
- 14 2. Inspectors;
- 15 3. Election clerks;
- 16 4. The supervisor of elections or his or her deputy;
- 17 5. Persons there to vote, persons in the care of a  
18 voter, or persons caring for such voter;
- 19 6. Law enforcement officers or emergency service  
20 personnel there with permission of the clerk or a majority of  
21 the inspectors; or
- 22 7. A person, whether or not a registered voter, who is  
23 assisting with or participating in a simulated election for  
24 minors, as approved by the supervisor of elections.

25 (b) The restriction in this subsection does not apply  
26 where the polling room is in an area commonly traversed by the  
27 public in order to gain access to businesses or homes or in an  
28 area traditionally utilized as a public area for discussion.

29 ~~(4)(a)(c)~~ No person, political committee, committee of  
30 continuous existence, or other group or organization may  
31 solicit voters inside the polling place or within 100 50 feet

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1 of the entrance to any polling place, or polling room where  
2 the polling place is also a polling room, or early voting  
3 site. Before the opening of the polling place or early voting  
4 site, the clerk or supervisor shall designate the  
5 no-solicitation zone and mark the boundaries. on the day of  
6 any election.

7 1. ~~Solicitation shall not be restricted if:~~

8 a. ~~Conducted from a separately marked area within the~~  
9 ~~50-foot zone so as not to disturb, hinder, impede, obstruct,~~  
10 ~~or interfere with voter access to the polling place or polling~~  
11 ~~room entrance; and~~

12 b. ~~The solicitation activities and subject matter are~~  
13 ~~clearly and easily identifiable by the voters as an activity~~  
14 ~~in which they may voluntarily participate; or~~

15 c. ~~Conducted on property within the 50-foot zone which~~  
16 ~~is a residence, established business, private property,~~  
17 ~~sidewalk, park, or property traditionally utilized as a public~~  
18 ~~area for discussion.~~

19 2. ~~Solicitation shall not be permitted within the~~  
20 ~~50-foot zone on a public sidewalk or other similar means of~~  
21 ~~access to the polling room if it is clearly identifiable to~~  
22 ~~the poll workers that the solicitation is impeding,~~  
23 ~~obstructing, or interfering with voter access to the polling~~  
24 ~~room or polling place.~~

25 (b)(d) For the purpose of this subsection, the term  
26 "solicit" shall include, but not be limited to, seeking or  
27 attempting to seek any vote, fact, opinion, or contribution;  
28 distributing or attempting to distribute any political or  
29 campaign material, leaflet, or handout; conducting a poll;  
30 seeking or attempting to seek a signature on any petition; and  
31 selling or attempting to sell any item.

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(c)(e) Each supervisor of elections shall inform the clerk of each precinct of the area within which soliciting is unlawful, based on the particular characteristics of that polling place. The supervisor or the clerk may take any reasonable action necessary to ensure order at the polling places, including, but not limited to, which shall include:

1. Designating a specific area for soliciting pursuant to paragraph (c) of this subsection, or

2. having disruptive and unruly persons removed by law enforcement officers from the polling room or place or from the 100-foot ~~50-foot~~ zone surrounding the polling place.

(5) A person may not bring a camera into the polling room or early voting area.

Section 52. Section 102.071, Florida Statutes, is amended to read:

102.071 Tabulation of votes and proclamation of results ~~where ballots are used.~~--The election board shall post at the polls, for the benefit of the public, the results of the voting for each office or other item on the ballot as the count is completed. Upon completion of all counts in all races, a certificate ~~triplicate certificates~~ of the results shall be drawn up by the inspectors and clerk at each precinct upon a form provided by the supervisor of elections which shall contain the name of each person voted for, for each office, and the number of votes cast for each person for such office; and, if any question is submitted, the certificate shall also contain the number of votes cast for and against the question. The certificate shall be signed by the inspectors and clerk and, ~~and one of the certificates~~ shall be delivered without delay by one of the inspectors, securely sealed, to the supervisor for immediate publication; ~~the~~

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1 ~~duplicate copy of the certificate shall be delivered to the~~  
2 ~~county court judge; and the remaining copy shall be enclosed~~  
3 ~~in the ballot box together with the oaths of inspectors and~~  
4 ~~clerks.~~ All the ballot boxes, ballots, ballot stubs,  
5 memoranda, and papers of all kinds used in the election shall  
6 also be transmitted, after being sealed by the inspectors, to  
7 ~~with the certificates of result of the election to be filed in~~  
8 the supervisor's office. Registration books and the poll lists  
9 shall not be placed in the ballot boxes but shall be returned  
10 to the supervisor.

11 Section 53. Section 102.111, Florida Statutes, is  
12 amended to read:

13 102.111 Elections Canvassing Commission.--

14 (1) The Elections Canvassing Commission shall consist  
15 of the Governor and two members of the Cabinet selected by the  
16 Governor. If a member of the Elections Canvassing Commission  
17 is unable to serve for any reason, the Governor shall appoint  
18 a remaining member of the Cabinet. If there is a further  
19 vacancy, the remaining members of the commission shall agree  
20 on another elected official to fill the vacancy. The Elections  
21 Canvassing Commission shall, as soon as the official results  
22 are compiled from all counties, certify the returns of the  
23 election and determine and declare who has been elected for  
24 each federal, state, and multicounty office. If a member of a  
25 county canvassing board that was constituted pursuant to s.  
26 102.141 determines, within 5 days after the certification by  
27 the Elections Canvassing Commission, that a typographical  
28 error occurred in the official returns of the county, the  
29 correction of which could result in a change in the outcome of  
30 an election, the county canvassing board must certify  
31 corrected returns to the Department of State within 24 hours,

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1 and the Elections Canvassing Commission must correct and  
2 recertify the election returns as soon as practicable.

3 (2) The Division of Elections shall provide the staff  
4 services required by the Elections Canvassing Commission.

5 Section 54. Section 102.112, Florida Statutes, is  
6 amended to read:

7 102.112 Deadline for submission of county returns to  
8 the Department of State.--

9 (1) The county canvassing board or a majority thereof  
10 shall file the county returns for the election of a federal or  
11 state officer with the Department of State immediately after  
12 certification of the election results. The returns must  
13 contain a certification by the canvassing board that the board  
14 has reconciled the number of persons who voted with the number  
15 of ballots counted and that the certification includes all  
16 valid votes cast in the election.

17 (2) Returns must be filed by 5 p.m. on the 7th day  
18 following a primary election and by 5 p.m. on the 11th day  
19 following the general election. However, the Department of  
20 State may correct typographical errors, including the  
21 transposition of numbers, in any returns submitted to the  
22 Department of State pursuant to s. 102.111(1).

23 (3) If the returns are not received by the department  
24 by the time specified, such returns shall be ignored and the  
25 results on file at that time shall be certified by the  
26 department.

27 (4) If the returns are not received by the department  
28 due to an emergency, as defined in s. 101.732, the Elections  
29 Canvassing Commission shall determine the deadline by which  
30 the returns must be received.

31 Section 55. Section 102.141, Florida Statutes, is



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1 amended to read:

2           102.141 County canvassing board; duties.--

3           (1) The county canvassing board shall be composed of  
4 the supervisor of elections; a county court judge, who shall  
5 act as chair; and the chair of the board of county  
6 commissioners. In the event any member of the county  
7 canvassing board is unable to serve, is a candidate who has  
8 opposition in the election being canvassed, or is an active  
9 participant in the campaign or candidacy of any candidate who  
10 has opposition in the election being canvassed, such member  
11 shall be replaced as follows:

12           (a) If no county court judge is able to serve or if  
13 all are disqualified, the chief judge of the judicial circuit  
14 in which the county is located shall appoint as a substitute  
15 member a qualified elector of the county who is not a  
16 candidate with opposition in the election being canvassed and  
17 who is not an active participant in the campaign or candidacy  
18 of any candidate with opposition in the election being  
19 canvassed. In such event, the members of the county  
20 canvassing board shall meet and elect a chair.

21           (b) If the supervisor of elections is unable to serve  
22 or is disqualified, the chair of the board of county  
23 commissioners shall appoint as a substitute member a member of  
24 the board of county commissioners who is not a candidate with  
25 opposition in the election being canvassed and who is not an  
26 active participant in the campaign or candidacy of any  
27 candidate with opposition in the election being canvassed.  
28 The supervisor, however, shall act in an advisory capacity to  
29 the canvassing board.

30           (c) If the chair of the board of county commissioners  
31 is unable to serve or is disqualified, the board of county

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1 commissioners shall appoint as a substitute member one of its  
2 members who is not a candidate with opposition in the election  
3 being canvassed and who is not an active participant in the  
4 campaign or candidacy of any candidate with opposition in the  
5 election being canvassed.

6 (d) If a substitute member cannot be appointed as  
7 provided elsewhere in this subsection, the chief judge of the  
8 judicial circuit in which the county is located shall appoint  
9 as a substitute member a qualified elector of the county who  
10 is not a candidate with opposition in the election being  
11 canvassed and who is not an active participant in the campaign  
12 or candidacy of any candidate with opposition in the election  
13 being canvassed.

14 (2) The county canvassing board shall meet in a  
15 building accessible to the public in the county where the  
16 election occurred at a time and place to be designated by the  
17 supervisor of elections to publicly canvass the absentee  
18 electors' ballots as provided for in s. 101.68 and provisional  
19 ballots as provided by ss. 101.048, 101.049, and 101.6925.  
20 Provisional ballots cast pursuant to s. 101.049 shall be  
21 canvassed in a manner that votes for candidates and issues on  
22 those ballots can be segregated from other votes. Public  
23 notice of the time and place at which the county canvassing  
24 board shall meet to canvass the absentee electors' ballots and  
25 provisional ballots shall be given at least 48 hours prior  
26 thereto by publication once in one or more newspapers of  
27 general circulation in the county or, if there is no newspaper  
28 of general circulation in the county, by posting such notice  
29 in at least four conspicuous places in the county. As soon as  
30 the absentee electors' ballots and the provisional ballots are  
31 canvassed, the board shall proceed to publicly canvass the

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1 vote given each candidate, nominee, constitutional amendment,  
2 or other measure submitted to the electorate of the county, as  
3 shown by the returns then on file in the office of the  
4 supervisor of elections and the office of the county court  
5 judge.

6 (3) The canvass, except the canvass of absentee  
7 electors' returns and the canvass of provisional ballots,  
8 shall be made from the returns and certificates of the  
9 inspectors as signed and filed by them with the ~~county court~~  
10 ~~judge and supervisor, respectively,~~ and the county canvassing  
11 board shall not change the number of votes cast for a  
12 candidate, nominee, constitutional amendment, or other measure  
13 submitted to the electorate of the county, respectively, in  
14 any polling place, as shown by the returns. All returns shall  
15 be made to the board on or before 2 a.m. of the day following  
16 any primary, general, ~~special,~~ or other election. If the  
17 returns from any precinct are missing, if there are any  
18 omissions on the returns from any precinct, or if there is an  
19 obvious error on any such returns, the canvassing board shall  
20 order a retabulation ~~recount~~ of the returns from such  
21 precinct. Before canvassing such returns, the canvassing  
22 board shall examine the tabulation of the ballots cast in such  
23 precinct and determine whether the returns correctly reflect  
24 the votes cast. If there is a discrepancy between the returns  
25 and the tabulation of the ballots cast, the tabulation of the  
26 ballots cast shall be presumed correct and such votes shall be  
27 canvassed accordingly.

28 (4) The canvassing board shall submit on forms or in  
29 formats provided by the division unofficial returns to the  
30 Department of State for each federal, statewide, state, or  
31 multicounty office or ballot measure no later than noon on the

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1 third ~~second~~ day after any primary election and no later than  
2 noon on the fifth day after any, general, ~~special~~, or other  
3 election. Such returns shall include the canvass of all  
4 ballots as required by subsection (2), ~~except for provisional~~  
5 ballots, which returns shall be reported at the time required  
6 for official returns pursuant to s. 102.112(2).

7 (5) If the county canvassing board determines that the  
8 unofficial returns may contain a counting error in which the  
9 vote tabulation system failed to count votes that were  
10 properly marked in accordance with the instructions on the  
11 ballot, the county canvassing board shall:

12 (a) Correct the error and retabulate ~~recount~~ the  
13 affected ballots with the vote tabulation system; or

14 (b) Request that the Department of State verify the  
15 tabulation software. When the Department of State verifies  
16 such software, the department shall compare the software used  
17 to tabulate the votes with the software filed with the  
18 department pursuant to s. 101.5607 and check the election  
19 parameters.

20 (6) If the unofficial returns reflect that a candidate  
21 for any office was defeated or eliminated by one-half of a  
22 percent or less of the votes cast for such office, that a  
23 candidate for retention to a judicial office was retained or  
24 not retained by one-half of a percent or less of the votes  
25 cast on the question of retention, or that a measure appearing  
26 on the ballot was approved or rejected by one-half of a  
27 percent or less of the votes cast on such measure, the board  
28 responsible for certifying the results of the vote on such  
29 race or measure shall order a recount of the votes cast with  
30 respect to such office or measure. The Elections Canvassing

31 Commission is the board responsible for ordering federal,

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1 state, and multi county recounts. A recount need not be  
2 ordered with respect to the returns for any office, however,  
3 if the candidate or candidates defeated or eliminated from  
4 contention for such office by one-half of a percent or less of  
5 the votes cast for such office request in writing that a  
6 recount not be made.

7 (a) ~~In counties with voting systems that use paper~~  
8 ~~ballots,~~ Each canvassing board responsible for conducting a  
9 recount shall put each marksense ballot through automatic  
10 tabulating equipment and determine whether the returns  
11 correctly reflect the votes cast. If any marksense ~~paper~~  
12 ballot is physically damaged so that it cannot be properly  
13 counted by the automatic tabulating equipment during the  
14 recount, a true duplicate shall be made of the damaged ballot  
15 pursuant to the procedures in s. 101.5614(5). Immediately  
16 before the start of the recount ~~and after completion of the~~  
17 ~~count,~~ a test of the tabulating equipment shall be conducted  
18 as provided in s. 101.5612. If the test indicates no error,  
19 the recount tabulation of the ballots cast shall be presumed  
20 correct and such votes shall be canvassed accordingly. If an  
21 error is detected, the cause therefor shall be ascertained and  
22 corrected and the recount repeated, as necessary. The  
23 canvassing board shall immediately report the error, along  
24 with the cause of the error and the corrective measures being  
25 taken, to the Department of State. No later than 11 days after  
26 the election, the canvassing board shall file a separate  
27 incident report with the Department of State, detailing the  
28 resolution of the matter and identifying any measures that  
29 will avoid a future recurrence of the error.

30 (b) ~~In counties with voting systems that do not use~~  
31 ~~paper ballots,~~ Each canvassing board responsible for

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1 conducting a recount where touchscreen ballots were used shall  
2 examine the counters on the precinct tabulators to ensure that  
3 the total of the returns on the precinct tabulators equals the  
4 overall election return. If there is a discrepancy between the  
5 overall election return and the counters of the precinct  
6 tabulators, the counters of the precinct tabulators shall be  
7 presumed correct and such votes shall be canvassed  
8 accordingly.

9 (c) The canvassing board shall submit on forms or in  
10 formats provided by the division a second set of unofficial  
11 returns to the Department of State for each federal,  
12 statewide, state, or multicounty office or ballot measure no  
13 later than 3 p.m. noon on the fifth ~~third~~ day after any  
14 primary election and no later than 3 p.m. on the eighth day  
15 after any general election in which a recount was conducted  
16 pursuant to this subsection. If the canvassing board is unable  
17 to complete the recount prescribed in this subsection by the  
18 deadline, the second set of unofficial returns submitted by  
19 the canvassing board shall be identical to the initial  
20 unofficial returns and the submission shall also include a  
21 detailed explanation of why it was unable to timely complete  
22 the recount. However, the canvassing board shall complete the  
23 recount prescribed in this subsection, along with any manual  
24 recount prescribed in s. 102.166, and certify election returns  
25 in accordance with the requirements of this chapter.

26 (d) The Department of State shall adopt detailed rules  
27 prescribing additional recount procedures for each certified  
28 voting system, which shall be uniform to the extent  
29 practicable.

30 (7) The canvassing board may employ such clerical help  
31 to assist with the work of the board as it deems necessary,

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1 with at least one member of the board present at all times,  
2 until the canvass of the returns is completed. The clerical  
3 help shall be paid from the same fund as inspectors and other  
4 necessary election officials.

5 (8)(a) At the same time that the official results of  
6 an election are certified to the Department of State, the  
7 county canvassing board shall file a report with the Division  
8 of Elections on the conduct of the election. The report must  
9 describe:

10 1. All equipment or software malfunctions at the  
11 precinct level, at a counting location, or within computer and  
12 telecommunications networks supporting a county location, and  
13 the steps that were taken to address the malfunctions;

14 2. All election definition errors that were discovered  
15 after the logic and accuracy test, and the steps that were  
16 taken to address the errors;

17 3. All ballot printing errors or ballot supply  
18 problems, and the steps that were taken to address the errors  
19 or problems;

20 4. All staffing shortages or procedural violations by  
21 employees or precinct workers which were addressed by the  
22 supervisor of elections or the county canvassing board during  
23 the conduct of the election, and the steps that were taken to  
24 correct such issues;

25 5. All instances where needs for staffing or equipment  
26 were insufficient to meet the needs of the voters; and

27 6. Any additional information regarding material  
28 issues or problems associated with the conduct of the  
29 election.

30 (b) If a supervisor discovers new or additional  
31 information on any of the items required to be included in the

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1 report pursuant to paragraph (a) after the report is filed,  
2 the supervisor shall notify the division that new information  
3 has been discovered no later than the next business day after  
4 the discovery and the supervisor shall file an amended report  
5 signed by the supervisor of elections on the conduct of the  
6 election within 10 days after the discovery. shall contain  
7 information relating to any problems incurred as a result of  
8 equipment malfunctions either at the precinct level or at a  
9 counting location, any difficulties or unusual circumstances  
10 encountered by an election board or the canvassing board, and  
11 any other additional information which the canvassing board  
12 feels should be made a part of the official election record.

13       (c) Such reports shall be maintained on file in the  
14 Division of Elections and shall be available for public  
15 inspection. The division shall utilize the reports submitted  
16 by the canvassing boards to determine what problems may be  
17 likely to occur in other elections and disseminate such  
18 information, along with possible solutions, to the supervisors  
19 of elections.

20       (9) The supervisor shall file with the department a  
21 copy of or an export file from the results database of the  
22 county's voting system and other statistical information as  
23 may be required by the department, the Legislature, or the  
24 Election Assistance Commission. The department shall adopt  
25 rules establishing the required content and acceptable formats  
26 for the filings and time for filings.

27       Section 56. Section 102.166, Florida Statutes, is  
28 amended to read:

29       102.166 Manual recounts.--

30       (1) If the second set of unofficial returns pursuant  
31 to s. 102.141 indicates that a candidate for any office was



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1 defeated or eliminated by one-quarter of a percent or less of  
2 the votes cast for such office, that a candidate for retention  
3 to a judicial office was retained or not retained by  
4 one-quarter of a percent or less of the votes cast on the  
5 question of retention, or that a measure appearing on the  
6 ballot was approved or rejected by one-quarter of a percent or  
7 less of the votes cast on such measure, the board responsible  
8 for certifying the results of the vote on such race or measure  
9 shall order a manual recount of the overvotes and undervotes  
10 cast in the entire geographic jurisdiction of such office or  
11 ballot measure. A manual recount may not be ordered, however,  
12 if the number of overvotes, undervotes, and provisional  
13 ballots is fewer than the number of votes needed to change the  
14 outcome of the election.

15 ~~(2)(a) If the second set of unofficial returns~~  
16 ~~pursuant to s. 102.141 indicates that a candidate for any~~  
17 ~~office was defeated or eliminated by between one-quarter and~~  
18 ~~one-half of a percent of the votes cast for such office, that~~  
19 ~~a candidate for retention to judicial office was retained or~~  
20 ~~not retained by between one-quarter and one-half of a percent~~  
21 ~~of the votes cast on the question of retention, or that a~~  
22 ~~measure appearing on the ballot was approved or rejected by~~  
23 ~~between one-quarter and one-half of a percent of the votes~~  
24 ~~cast on such measure, any such candidate, the political party~~  
25 ~~of such candidate, or any political committee that supports or~~  
26 ~~opposes such ballot measure is entitled to a manual recount of~~  
27 ~~the overvotes and undervotes cast in the entire geographic~~  
28 ~~jurisdiction of such office or ballot measure, provided that a~~  
29 ~~request for a manual recount is made by 5 p.m. on the third~~  
30 ~~day after the election.~~

31 ~~(b) For federal, statewide, state, and multicounty~~

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1 ~~rac~~es and ballot issues, requests for a manual recount shall  
2 ~~be made in writing to the state Elections Canvassing~~  
3 ~~Commission. For all other races and ballot issues, requests~~  
4 ~~for a manual recount shall be made in writing to the county~~  
5 ~~canvassing board.~~

6 ~~(c) Upon receipt of a proper and timely request, the~~  
7 ~~Elections Canvassing Commission or county canvassing board~~  
8 ~~shall immediately order a manual recount of overvotes and~~  
9 ~~undervotes in all affected jurisdictions.~~

10 ~~(2)(3)~~(a) Any hardware or software used to identify  
11 and sort overvotes and undervotes for a given race or ballot  
12 measure must be certified by the Department of State as part  
13 of the voting system pursuant to s. 101.015. Any such hardware  
14 or software must be capable of simultaneously counting votes.  
15 ~~For certified voting systems, the department shall certify~~  
16 ~~such hardware or software by July 1, 2002. If the department~~  
17 ~~is unable to certify such hardware or software for a certified~~  
18 ~~voting system by July 1, 2002, the department shall adopt~~  
19 ~~rules prescribing procedures for identifying and sorting such~~  
20 ~~overvotes and undervotes. The department's rules may provide~~  
21 ~~for the temporary use of hardware or software whose sole~~  
22 ~~function is identifying and sorting overvotes and undervotes.~~

23 ~~(b) This subsection does not preclude the department~~  
24 ~~from certifying hardware or software after July 1, 2002.~~

25 ~~(b)(c)~~ Overvotes and undervotes shall be identified  
26 and sorted while recounting ballots pursuant to s. 102.141, if  
27 the hardware or software for this purpose has been certified  
28 or the department's rules so provide.

29 ~~(3)(4)~~ Any manual recount shall be open to the public.

30 ~~(4)(5)~~(a) A vote for a candidate or ballot measure  
31 shall be counted if there is a clear indication on the ballot

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1 that the voter has made a definite choice.

2 (b) The Department of State shall adopt specific rules  
3 for each certified voting system prescribing what constitutes  
4 a "clear indication on the ballot that the voter has made a  
5 definite choice." The rules may not:

6 1. Exclusively provide that the voter must properly  
7 mark or designate his or her choice on the ballot; or

8 2. Contain a catch-all provision that fails to  
9 identify specific standards, such as "any other mark or  
10 indication clearly indicating that the voter has made a  
11 definite choice."

12 ~~(5)(6)~~ Procedures for a manual recount are as follows:

13 (a) The county canvassing board shall appoint as many  
14 counting teams of at least two electors as is necessary to  
15 manually recount the ballots. A counting team must have, when  
16 possible, members of at least two political parties. A  
17 candidate involved in the race shall not be a member of the  
18 counting team.

19 (b) Each duplicate ballot prepared pursuant to s.  
20 101.5614(5) or s. 102.141(6) shall be compared with the  
21 original ballot to ensure the correctness of the duplicate.

22 (c) If a counting team is unable to determine whether  
23 the ballot contains a clear indication that the voter has made  
24 a definite choice, the ballot shall be presented to the county  
25 canvassing board for a determination.

26 (d) The Department of State shall adopt detailed rules  
27 prescribing additional recount procedures for each certified  
28 voting system which shall be uniform to the extent  
29 practicable. The rules shall address, at a minimum, the  
30 following areas:

31 1. Security of ballots during the recount process;

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- 1           2. Time and place of recounts;
- 2           3. Public observance of recounts;
- 3           4. Objections to ballot determinations;
- 4           5. Record of recount proceedings; and
- 5           6. Procedures relating to candidate and petitioner
- 6 representatives.

7           Section 57. Subsections (2) and (4) of section  
8 102.168, Florida Statutes, are amended to read:

9           102.168 Contest of election.--

10           (2) Such contestant shall file a complaint, together  
11 with the fees prescribed in chapter 28, with the clerk of the  
12 circuit court within 10 days after midnight of the date the  
13 last board responsible for certifying the results officially  
14 ~~county canvassing board empowered to canvass the returns~~  
15 certifies the results of the election being contested.

16           (4) The county canvassing board is an indispensable  
17 ~~and or Elections Canvassing Commission shall be the proper~~  
18 party defendant in county and local elections; the Elections  
19 Canvassing Commission is an indispensable and proper party  
20 defendant in federal, state, and multicounty races; and the  
21 successful candidate is ~~shall be~~ an indispensable party to any  
22 action brought to contest the election or nomination of a  
23 candidate.

24           Section 58. Subsections (1) and (4) of section  
25 103.021, Florida Statutes, are amended to read:

26           103.021 Nomination for presidential  
27 electors.--Candidates for presidential electors shall be  
28 nominated in the following manner:

29           (1) The Governor shall nominate the presidential  
30 electors of each political party. The state executive  
31 committee of each political party shall by resolution

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1 recommend candidates for presidential electors and deliver a  
2 certified copy thereof to the Governor before September 1 of  
3 each presidential election year. The Governor ~~He or she~~ shall  
4 nominate only the electors recommended by the state executive  
5 committee of the respective political party. Each such  
6 elector shall be a qualified elector of the party he or she  
7 represents who has taken an oath that he or she will vote for  
8 the candidates of the party that he or she is nominated to  
9 represent. The Governor shall certify to the Department of  
10 State on or before September 1, in each presidential election  
11 year, the names of a number of electors for each political  
12 party equal to the number of senators and representatives  
13 which this state has in Congress.

14 (4)(a) A minor political party that is affiliated with  
15 a national party holding a national convention to nominate  
16 candidates for President and Vice President of the United  
17 States may have the names of its candidates for President and  
18 Vice President of the United States printed on the general  
19 election ballot by filing with the Department of State a  
20 certificate naming the candidates for President and Vice  
21 President and listing the required number of persons to serve  
22 as electors. Notification to the Department of State under  
23 this subsection shall be made by September 1 of the year in  
24 which the election is held. When the Department of State has  
25 been so notified, it shall order the names of the candidates  
26 nominated by the minor political party to be included on the  
27 ballot and shall permit the required number of persons to be  
28 certified as electors in the same manner as other party  
29 candidates. As used in this section, the term "national party"  
30 means a political party established and admitted to the ballot  
31 in at least one state other than Florida and the term

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1 "national convention" means any caucus, convention, meeting,  
2 or any other assembly of a political party gathered, whether  
3 or not such meeting is held in person or by telephonic or  
4 electronic means, with the intent of nominating candidates for  
5 President and Vice President of the United States.

6 (b) A minor political party that is not affiliated  
7 with a national party holding a national convention to  
8 nominate candidates for President and Vice President of the  
9 United States may have the names of its candidates for  
10 President and Vice President printed on the general election  
11 ballot if a petition is signed by 1 percent of the registered  
12 electors of this state, as shown by the compilation by the  
13 Department of State for the preceding general election. A  
14 separate petition from each county for which signatures are  
15 solicited shall be submitted to the supervisors of elections  
16 of the respective county no later than July 15 of each  
17 presidential election year. The supervisor shall check the  
18 names and, on or before the date of the first primary, shall  
19 certify the number shown as registered electors of the county.  
20 The supervisor shall be paid by the person requesting the  
21 certification the cost of checking the petitions as prescribed  
22 in s. 99.097. The supervisor shall then forward the  
23 certificate to the Department of State, which shall determine  
24 whether or not the percentage factor required in this section  
25 has been met. When the percentage factor required in this  
26 section has been met, the Department of State shall order the  
27 names of the candidates for whom the petition was circulated  
28 to be included on the ballot and shall permit the required  
29 number of persons to be certified as electors in the same  
30 manner as other party candidates.

31 Section 59. Section 103.051, Florida Statutes, is

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1 amended to read:

2           103.051 Congress sets meeting dates of electors.--The  
3 presidential electors shall, ~~at noon~~ on the day that ~~which~~ is  
4 directed by Congress and at the time fixed by the Governor,  
5 meet at Tallahassee and perform the duties required of them by  
6 the Constitution and laws of the United States.

7           Section 60. Section 103.061, Florida Statutes, is  
8 amended to read:

9           103.061 Meeting of electors and filling of  
10 vacancies.--Each presidential elector shall, ~~before 10 a.m.~~ on  
11 the day fixed by Congress to elect a President and Vice  
12 President and at the time fixed by the Governor, give notice  
13 to the Governor that the elector is in Tallahassee and ready  
14 to perform the duties of presidential elector. The Governor  
15 shall forthwith deliver to the presidential electors present a  
16 certificate of the names of all the electors; and if, on  
17 examination thereof, it should be found that one or more  
18 electors are absent, the electors present shall elect by  
19 ballot, in the presence of the Governor, a person or persons  
20 to fill such vacancy or vacancies as may have occurred through  
21 the nonattendance of one or more of the electors.

22           Section 61. Section 103.121, Florida Statutes, is  
23 amended to read:

24           103.121 Powers and duties of executive committees.--

25           (1)(a) Each state and county executive committee of a  
26 political party shall have the power and duty:

27           1. To adopt a constitution by two-thirds vote of the  
28 full committee.

29           2. To adopt such bylaws as it may deem necessary by  
30 majority vote of the full committee.

31           3. To conduct its meetings according to generally

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1 accepted parliamentary practice.

2 4. To make party nomination when required by law.

3 5. To conduct campaigns for party nominees.

4 6. To raise and expend party funds. Such funds may  
5 not be expended or committed to be expended except after  
6 written authorization by the chair of the state or county  
7 executive committee.

8 (b) ~~Except as otherwise provided in subsection (5),~~

9 The county executive committee shall receive payment of  
10 assessments upon candidates to be voted for in a single county  
11 except state senators and members of the House of  
12 Representatives and representatives to the Congress of the  
13 United States; and the state executive committees shall  
14 receive all other assessments authorized. All party  
15 assessments shall be 2 percent of the annual salary of the  
16 office sought by the respective candidate. All such committee  
17 assessments shall be remitted to the state executive committee  
18 of the appropriate party and distributed in accordance with  
19 subsection (5) ~~(6)~~.

20 ~~(2) The state executive committee shall by resolution~~  
21 ~~recommend candidates for presidential electors and deliver a~~  
22 ~~certified copy thereof to the Governor prior to September 1 of~~  
23 ~~each presidential election year.~~

24 (2) ~~(3)~~ The chair and treasurer of an executive  
25 committee of any political party shall be accountable for the  
26 funds of such committee and jointly liable for their proper  
27 expenditure for authorized purposes only. ~~The chair and~~  
28 ~~treasurer of the state executive committee of any political~~  
29 ~~party shall furnish adequate bond, but not less than \$10,000,~~  
30 ~~conditioned upon the faithful performance by such party~~  
31 ~~officers of their duties and for the faithful accounting for~~



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1 ~~party funds which shall come into their hands; and the chair~~  
2 ~~and treasurer of a county executive committee of a political~~  
3 ~~party shall furnish adequate bond, but not less than \$5,000,~~  
4 ~~conditioned as aforesaid. A bond for the chair and treasurer~~  
5 ~~of the state executive committee of a political party shall be~~  
6 ~~filed with the Department of State. A bond for the chair and~~  
7 ~~treasurer of a county executive committee shall be filed with~~  
8 ~~the supervisor of elections.~~ The funds of each such state  
9 executive committee shall be publicly audited at the end of  
10 each calendar year and a copy of such audit furnished to the  
11 Department of State for its examination prior to April 1 of  
12 the ensuing year. When filed with the Department of State,  
13 copies of such audit shall be public documents. The treasurer  
14 of each county executive committee shall maintain adequate  
15 records evidencing receipt and disbursement of all party funds  
16 received by him or her, and such records shall be publicly  
17 audited at the end of each calendar year and a copy of such  
18 audit filed with the supervisor of elections and the state  
19 executive committee prior to April 1 of the ensuing year.

20 ~~(3)(4)~~ Any chair or treasurer of a state or county  
21 executive committee of any political party who knowingly  
22 misappropriates, or makes an unlawful expenditure of, or a  
23 false or improper accounting for, the funds of such committee  
24 is guilty of a felony of the third degree, punishable as  
25 provided in s. 775.082, s. 775.083, or s. 775.084.

26 ~~(4)(5)(a)~~ The central committee or other equivalent  
27 governing body of each state executive committee shall adopt a  
28 rule which governs the time and manner in which the respective  
29 county executive committees of such party may endorse,  
30 certify, screen, or otherwise recommend one or more candidates  
31 for such party's nomination for election. Upon adoption, such

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1 rule shall provide the exclusive method by which a county  
2 committee may so endorse, certify, screen, or otherwise  
3 recommend. No later than the date on which qualifying for  
4 public office begins pursuant to s. 99.061, the chair of each  
5 county executive committee shall notify in writing the  
6 supervisor of elections of his or her county whether the  
7 county executive committee has endorsed or intends to endorse,  
8 certify, screen, or otherwise recommend candidates for  
9 nomination pursuant to party rule. A copy of such  
10 notification shall be provided to the Secretary of State and  
11 to the chair of the appropriate state executive committee. ~~Any~~  
12 ~~county executive committee that endorses or intends to~~  
13 ~~endorse, certify, screen, or otherwise recommend one or more~~  
14 ~~candidates for nomination shall forfeit all party assessments~~  
15 ~~which would otherwise be returned to the county executive~~  
16 ~~committee; and such assessments shall be remitted instead to~~  
17 ~~the state executive committee of such party, the provisions of~~  
18 ~~paragraph (1)(b) to the contrary notwithstanding. No such~~  
19 ~~funds so remitted to the state executive committee shall be~~  
20 ~~paid, returned, or otherwise disbursed to the county executive~~  
21 ~~committee under any circumstances. Any county executive~~  
22 ~~committee that is in violation of any party rule after~~  
23 ~~receiving the party assessment shall remit such party~~  
24 ~~assessment to the state executive committee.~~

25       ~~(b) Any state executive committee that endorses or~~  
26 ~~intends to endorse, certify, screen, or otherwise recommend~~  
27 ~~one or more candidates for nomination shall forfeit all party~~  
28 ~~assessments which would otherwise be returned to the state~~  
29 ~~executive committee; and such assessments shall be remitted~~  
30 ~~instead to the General Revenue Fund of the state. Any state~~  
31 ~~executive committee that is in violation of this section after~~

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~~receiving the party assessment shall remit such party  
assessment to the General Revenue Fund of the state.~~

(5)(6) The state chair of each state executive  
committee shall return the 2-percent committee assessment for  
county candidates to the appropriate county executive  
committees only upon receipt of a written statement that such  
county executive committee chooses not to endorse, certify,  
screen, or otherwise recommend one or more candidates for such  
party's nomination for election and upon the state chair's  
determination that the county executive committee is in  
compliance with all Florida statutes and all state party  
rules, bylaws, constitutions, and requirements.

Section 62. Section 105.031, Florida Statutes, is  
amended to read:

105.031 Qualification; filing fee; candidate's oath;  
items required to be filed.--

(1) TIME OF QUALIFYING.--Except for candidates for  
judicial office, nonpartisan candidates for multicounty office  
shall qualify with the Division of Elections of the Department  
of State and nonpartisan candidates for countywide or less  
than countywide office shall qualify with the supervisor of  
elections. Candidates for judicial office other than the  
office of county court judge shall qualify with the Division  
of Elections of the Department of State, and candidates for  
the office of county court judge shall qualify with the  
supervisor of elections of the county. Candidates for  
judicial office shall qualify no earlier than noon of the  
120th day, and no later than noon of the 116th day, before the  
first primary election. Candidates for the office of school  
board member shall qualify no earlier than noon of the 50th  
day, and no later than noon of the 46th day, before the first

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1 primary election. Filing shall be on forms provided for that  
2 purpose by the Division of Elections and furnished by the  
3 appropriate qualifying officer. Any person seeking to qualify  
4 by the petition process ~~alternative method~~, as set forth in s.  
5 105.035, who ~~if the person~~ has submitted the necessary  
6 petitions by the required deadline and is notified after the  
7 fifth day prior to the last day for qualifying that the  
8 required number of signatures has been obtained, shall be  
9 entitled to subscribe to the candidate's oath and file the  
10 qualifying papers at any time within 5 days from the date he  
11 or she is notified that the necessary number of signatures has  
12 been obtained. Any person other than a write-in candidate who  
13 qualifies within the time prescribed in this subsection shall  
14 be entitled to have his or her name printed on the ballot.

15 (2) FILING IN GROUPS OR DISTRICTS.--Candidates shall  
16 qualify in groups or districts where multiple offices are to  
17 be filled.

18 (3) QUALIFYING FEE.--Each candidate qualifying for  
19 election to a judicial office or the office of school board  
20 member, except write-in judicial or school board candidates,  
21 shall, during the time for qualifying, pay to the officer with  
22 whom he or she qualifies a qualifying fee, which shall consist  
23 of a filing fee and an election assessment, or qualify by the  
24 petition process ~~alternative method~~. The amount of the filing  
25 fee is 3 percent of the annual salary of the office sought.  
26 The amount of the election assessment is 1 percent of the  
27 annual salary of the office sought. The Department of State  
28 shall forward all filing fees to the Department of Revenue for  
29 deposit in the Elections Commission Trust Fund. The  
30 supervisor of elections shall forward all filing fees to the  
31 Elections Commission Trust Fund. The election assessment

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1 shall be deposited into the Elections Commission Trust Fund.  
2 The annual salary of the office for purposes of computing the  
3 qualifying fee shall be computed by multiplying 12 times the  
4 monthly salary authorized for such office as of July 1  
5 immediately preceding the first day of qualifying. This  
6 subsection shall not apply to candidates qualifying for  
7 retention to judicial office.

8 (4) CANDIDATE'S OATH.--

9 (a) All candidates for the office of school board  
10 member shall subscribe to the oath as prescribed in s. 99.021.

11 (b) All candidates for judicial office shall subscribe  
12 to an oath or affirmation in writing to be filed with the  
13 appropriate qualifying officer upon qualifying. A printed  
14 copy of the oath or affirmation shall be furnished to the  
15 candidate by the qualifying officer and shall be in  
16 substantially the following form:

17

18 State of Florida

19 County of ....

20 Before me, an officer authorized to administer oaths,  
21 personally appeared ...(please print name as you wish it to  
22 appear on the ballot)..., to me well known, who, being sworn,  
23 says he or she: is a candidate for the judicial office of  
24 ....; that his or her legal residence is .... County, Florida;  
25 that he or she is a qualified elector of the state and of the  
26 territorial jurisdiction of the court to which he or she seeks  
27 election; that he or she is qualified under the constitution  
28 and laws of Florida to hold the judicial office to which he or  
29 she desires to be elected or in which he or she desires to be  
30 retained; that he or she has taken the oath required by ss.

31 876.05-876.10, Florida Statutes; that he or she has qualified

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1 for no other public office in the state, the term of which  
2 office or any part thereof runs concurrent to the office he or  
3 she seeks; and that he or she has resigned from any office  
4 which he or she is required to resign pursuant to s. 99.012,  
5 Florida Statutes.

6 ... (Signature of candidate) ...

7 ... (Address) ...

8  
9 Sworn to and subscribed before me this .... day of ....,

10 ... (year) ..., at .... County, Florida.

11 ... (Signature and title of officer administering oath) ...

12  
13 (5) ITEMS REQUIRED TO BE FILED.--

14 (a) In order for a candidate for judicial office or  
15 the office of school board member to be qualified, the  
16 following items must be received by the filing officer by the  
17 end of the qualifying period:

18 1. Except for candidates for retention to judicial  
19 office, a properly executed check drawn upon the candidate's  
20 campaign account in an amount not less than the fee required  
21 by subsection (3) or, in lieu thereof, the copy of the notice  
22 of obtaining ballot position pursuant to s. 105.035. If a  
23 candidate's check is returned by the bank for any reason, the  
24 filing officer shall immediately notify the candidate and the  
25 candidate shall, the end of qualifying notwithstanding, have  
26 48 hours from the time such notification is received,  
27 excluding Saturdays, Sundays, and legal holidays, to pay the  
28 fee with a cashier's check purchased from funds of the  
29 campaign account. Failure to pay the fee as provided in this  
30 subparagraph shall disqualify the candidate.

31 2. The candidate's oath required by subsection (4),

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1 which must contain the name of the candidate as it is to  
2 appear on the ballot; the office sought, including the  
3 district or group number if applicable; and the signature of  
4 the candidate, duly acknowledged.

5         3. The loyalty oath required by s. 876.05, signed by  
6 the candidate and duly acknowledged.

7         4. The completed form for the appointment of campaign  
8 treasurer and designation of campaign depository, as required  
9 by s. 106.021. In addition, each candidate for judicial  
10 office, including an incumbent judge, shall file a statement  
11 with the qualifying officer, within 10 days after filing the  
12 appointment of campaign treasurer and designation of campaign  
13 depository, stating that the candidate has read and  
14 understands the requirements of the Florida Code of Judicial  
15 Conduct. Such statement shall be in substantially the  
16 following form:

17  
18                 Statement of Candidate for Judicial Office  
19

20 I, ...(name of candidate)..., a judicial candidate, have  
21 received, read, and understand the requirements of the Florida  
22 Code of Judicial Conduct.

23   ...(Signature of candidate)...

24   ...(Date)...

25  
26         5. The full and public disclosure of financial  
27 interests required by s. 8, Art. II of the State Constitution  
28 or the statement of financial interests required by s.  
29 112.3145, whichever is applicable. A public officer who has  
30 filed the full and public disclosure or statement of financial  
31 interests with the Commission on Ethics or the supervisor of

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1 elections prior to qualifying for office may file a copy of  
2 that disclosure at the time of qualifying.

3 (b) If the filing officer receives qualifying papers  
4 that do not include all items as required by paragraph (a)  
5 prior to the last day of qualifying, the filing officer shall  
6 make a reasonable effort to notify the candidate of the  
7 missing or incomplete items and shall inform the candidate  
8 that all required items must be received by the close of  
9 qualifying. A candidate's name as it is to appear on the  
10 ballot may not be changed after the end of qualifying.

11 (6) Notwithstanding the qualifying period prescribed  
12 in this section, a filing officer may accept and hold  
13 qualifying papers submitted not earlier than 14 days prior to  
14 the beginning of the qualifying period, to be processed and  
15 filed during the qualifying period.

16 Section 63. Section 105.035, Florida Statutes, is  
17 amended to read:

18 105.035 Alternative method of qualifying for certain  
19 judicial offices and the office of school board member.--

20 (1) A person seeking to qualify for election to the  
21 office of circuit judge or county court judge or the office of  
22 school board member may qualify for election to such office by  
23 means of the petitioning process prescribed in this section.  
24 A person qualifying by this petition process is alternative  
25 ~~method shall not be~~ required to pay the qualifying fee  
26 required by this chapter. ~~A person using this petitioning~~  
27 ~~process shall file an oath with the officer before whom the~~  
28 ~~candidate would qualify for the office stating that he or she~~  
29 ~~intends to qualify by this alternative method for the office~~  
30 ~~sought. Such oath shall be filed at any time after the first~~  
31 ~~Tuesday after the first Monday in January of the year in which~~



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~~the election is held, but prior to the 21st day preceding the first day of the qualifying period for the office sought. The form of such oath shall be prescribed by the Division of Elections. No signatures shall be obtained until the person has filed the oath prescribed in this subsection.~~

(2) ~~The~~ Upon receipt of a written oath from a candidate, the qualifying officer shall provide the candidate with a petition format shall be prescribed by the Division of Elections and shall ~~to~~ be used by the candidate to reproduce petitions for circulation. If the candidate is running for an office that ~~which~~ will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate's petition must indicate, prior to the obtaining of registered electors' signatures, for which group or district office the candidate is running.

(3) Each candidate for election to a judicial office or the office of school board member shall obtain the signature of a number of qualified electors equal to at least 1 percent of the total number of registered electors of the district, circuit, county, or other geographic entity represented by the office sought as shown by the compilation by the Department of State for the last preceding general election. A separate petition shall be circulated for each candidate availing himself or herself of the provisions of this section. Signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to s. 106.021.

(4)(a) Each candidate seeking to qualify for election to the office of circuit judge or the office of school board member from a multicounty school district pursuant to this section shall file a separate petition from each county from

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1 which signatures are sought. Each petition shall be  
2 submitted, prior to noon of the 21st day preceding the first  
3 day of the qualifying period for the office sought, to the  
4 supervisor of elections of the county for which such petition  
5 was circulated. Each supervisor of elections to whom a  
6 petition is submitted shall check the signatures on the  
7 petition to verify their status as electors of that county and  
8 of the geographic area represented by the office sought. No  
9 later than the seventh day before ~~Prior to~~ the first date for  
10 qualifying, the supervisor shall certify the number shown as  
11 registered electors and submit such certification to the  
12 Division of Elections. The division shall determine whether  
13 the required number of signatures has been obtained for the  
14 name of the candidate to be placed on the ballot and shall  
15 notify the candidate. If the required number of signatures  
16 has been obtained, the candidate shall, during the time  
17 prescribed for qualifying for office, submit a copy of such  
18 notice and file his or her qualifying papers and oath  
19 prescribed in s. 105.031 with the Division of Elections. Upon  
20 receipt of the copy of such notice and qualifying papers, the  
21 division shall certify the name of the candidate to the  
22 appropriate supervisor or supervisors of elections as having  
23 qualified for the office sought.

24 (b) Each candidate seeking to qualify for election to  
25 the office of county court judge or the office of school board  
26 member from a single county school district pursuant to this  
27 section shall submit his or her petition, prior to noon of the  
28 28th ~~21st~~ day preceding the first day of the qualifying period  
29 for the office sought, to the supervisor of elections of the  
30 county for which such petition was circulated. The supervisor  
31 shall check the signatures on the petition to verify their

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1 status as electors of the county and of the geographic area  
2 represented by the office sought. No later than the seventh  
3 day before ~~Prior to~~ the first date for qualifying, the  
4 supervisor shall determine whether the required number of  
5 signatures has been obtained for the name of the candidate to  
6 be placed on the ballot and shall notify the candidate. If  
7 the required number of signatures has been obtained, the  
8 candidate shall, during the time prescribed for qualifying for  
9 office, submit a copy of such notice and file his or her  
10 qualifying papers and oath prescribed in s. 105.031 with the  
11 qualifying officer. Upon receipt of the copy of such notice  
12 and qualifying papers, such candidate shall be entitled to  
13 have his or her name printed on the ballot.

14 Section 64. Subsection (4) of section 106.011, Florida  
15 Statutes, is amended to read:

16 106.011 Definitions.--As used in this chapter, the  
17 following terms have the following meanings unless the context  
18 clearly indicates otherwise:

19 (4)(a) "Expenditure" means a purchase, payment or an  
20 obligation to make a payment, distribution, loan, advance,  
21 transfer of funds by a campaign treasurer or deputy campaign  
22 treasurer between a primary depository and a separate  
23 interest-bearing account or certificate of deposit, or gift of  
24 money or anything of value made for the purpose of influencing  
25 the results of an election or making an electioneering  
26 communication. However, "expenditure" does not include a  
27 purchase, payment, distribution, loan, advance, or gift of  
28 money or anything of value made for the purpose of influencing  
29 the results of an election when made by an organization, in  
30 existence prior to the time during which a candidate qualifies

31 or an issue is placed on the ballot for that election, for the

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1 purpose of printing or distributing such organization's  
2 newsletter, containing a statement by such organization in  
3 support of or opposition to a candidate or issue, which  
4 newsletter is distributed only to members of such  
5 organization.

6 (b) As used in this chapter, an "expenditure" ~~for an~~  
7 ~~electioneering communication~~ is made when the earliest of the  
8 following occurs:

9 1. A person enters into ~~executes~~ a contract for  
10 applicable goods or services;

11 2. A person makes payment, in whole or in part, for  
12 applicable goods or services; or

13 3. An ~~The~~ electioneering communication is publicly  
14 disseminated.

15 Section 65. Section 106.022, Florida Statutes, is  
16 created to read:

17 106.022 Appointment of a registered agent; duties.--

18 (1) Each political committee, committee of continuous  
19 existence, or electioneering communications entity shall have  
20 and continuously maintain in this state a registered office  
21 and a registered agent and must file with the division a  
22 statement of appointment for the registered office and  
23 registered agent. The statement of appointment must:

24 (a) Provide the name of the registered agent and the  
25 street address for the registered office;

26 (b) Identify the entity for whom the registered agent  
27 serves;

28 (c) Designate the address the registered agent wishes  
29 to use to receive mail;

30 (d) Include the entity's undertaking to inform the  
31 division of any change in such designated address;

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1       (e) Provide for the registered agent's acceptance of  
2 the appointment, which must confirm that the registered agent  
3 is familiar with and accepts the obligations of the position  
4 as set forth in this section; and

5       (f) Contain the signature of the registered agent and  
6 the entity engaging the registered agent.

7       (2) An entity may change its appointment of registered  
8 agent and registered office under this section by executing a  
9 written statement of change that identifies the former  
10 registered agent and registered address and also satisfies all  
11 of the requirements of subsection (1).

12       (3) A registered agent may resign his or her  
13 appointment as registered agent by executing a written  
14 statement of resignation and filing it with the division. An  
15 entity without a registered agent may not make expenditures or  
16 accept contributions until it files a written statement of  
17 change as required in subsection (2).

18       Section 66. Paragraph (a) of subsection (4) and  
19 subsection (8) of section 106.07, Florida Statutes, are  
20 amended to read:

21       106.07 Reports; certification and filing.--

22       (4)(a) Each report required by this section shall  
23 contain:

24       1. The full name, address, and occupation, if any of  
25 each person who has made one or more contributions to or for  
26 such committee or candidate within the reporting period,  
27 together with the amount and date of such contributions. For  
28 corporations, the report must provide as clear a description  
29 as practicable of the principal type of business conducted by  
30 the corporation. However, if the contribution is \$100 or less  
31 or is from a relative, as defined in s. 112.312, provided that

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1 the relationship is reported, the occupation of the  
2 contributor or the principal type of business need not be  
3 listed.

4           2. The name and address of each political committee,  
5 committee of continuous existence, or business entity from  
6 which the reporting committee or the candidate received, or to  
7 which the reporting committee or candidate made, any transfer  
8 of funds, together with the amounts and dates of all  
9 transfers.

10           3. Each loan for campaign purposes to or from any  
11 person or political committee within the reporting period,  
12 together with the full names, addresses, and occupations, and  
13 principal places of business, if any, of the lender and  
14 endorsers, if any, and the date and amount of such loans.

15           4. A statement of each contribution, rebate, refund,  
16 or other receipt not otherwise listed under subparagraphs 1.  
17 through 3.

18           5. The total sums of all loans, in-kind contributions,  
19 and other receipts by or for such committee or candidate  
20 during the reporting period. The reporting forms shall be  
21 designed to elicit separate totals for in-kind contributions,  
22 loans, and other receipts.

23           6. The full name and address of each person to whom  
24 expenditures have been made by or on behalf of the committee  
25 or candidate within the reporting period; the amount, date,  
26 and purpose of each such expenditure; and the name and address  
27 of, and office sought by, each candidate on whose behalf such  
28 expenditure was made. However, expenditures made from the  
29 petty cash fund provided by s. 106.12 need not be reported  
30 individually.

31           7. The full name and address of each person to whom an

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1 expenditure for personal services, salary, or reimbursement  
2 for authorized expenses as provided in s. 106.021(3) has been  
3 made and which is not otherwise reported, including the  
4 amount, date, and purpose of such expenditure. However,  
5 expenditures made from the petty cash fund provided for in s.  
6 106.12 need not be reported individually. Any expenditure made  
7 through a credit card or debit card shall be itemized to  
8 disclose the ultimate intended recipient of the expenditure  
9 and its purpose.

10           8. The total amount withdrawn and the total amount  
11 spent for petty cash purposes pursuant to this chapter during  
12 the reporting period.

13           9. The total sum of expenditures made by such  
14 committee or candidate during the reporting period.

15           10. The amount and nature of debts and obligations  
16 owed by or to the committee or candidate, which relate to the  
17 conduct of any political campaign.

18           ~~11. A copy of each credit card statement which shall~~  
19 ~~be included in the next report following receipt thereof by~~  
20 ~~the candidate or political committee. Receipts for each credit~~  
21 ~~card purchase shall be retained by the treasurer with the~~  
22 ~~records for the campaign account.~~

23           ~~11.12.~~ The amount and nature of any separate  
24 interest-bearing accounts or certificates of deposit and  
25 identification of the financial institution in which such  
26 accounts or certificates of deposit are located.

27           ~~12.13.~~ The primary purposes of an expenditure made  
28 indirectly through a campaign treasurer pursuant to s.  
29 106.021(3) for goods and services such as communications media  
30 placement or procurement services, campaign signs, insurance,  
31 and other expenditures that include multiple components as

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1 part of the expenditure. The primary purpose of an expenditure  
2 shall be that purpose, including integral and directly related  
3 components, that comprises 80 percent of such expenditure.

4 (8)(a) Any candidate or political committee failing to  
5 file a report on the designated due date shall be subject to a  
6 fine as provided in paragraph (b) for each late day, and, in  
7 the case of a candidate, such fine shall be paid only from  
8 personal funds of the candidate. The fine shall be assessed by  
9 the filing officer and the moneys collected shall be  
10 deposited:

11 1. In the General Revenue Fund, in the case of a  
12 candidate for state office or a political committee that  
13 registers with the Division of Elections; or

14 2. In the general revenue fund of the political  
15 subdivision, in the case of a candidate for an office of a  
16 political subdivision or a political committee that registers  
17 with an officer of a political subdivision.

18  
19 No separate fine shall be assessed for failure to file a copy  
20 of any report required by this section.

21 (b) Upon determining that a report is late, the filing  
22 officer shall immediately notify the candidate or chair of the  
23 political committee as to the failure to file a report by the  
24 designated due date and that a fine is being assessed for each  
25 late day. The fine shall be \$50 per day or 1 percent of the  
26 total receipts and expenditures for the period covered by the  
27 late report, whichever is greater for the first 3 days late  
28 and, thereafter, \$500 per day is greater or 5 percent of the  
29 total receipts and expenditures for the period covered by the  
30 late report, whichever is greater, for each late day, not to

31 exceed 25 percent of the total receipts and ~~or~~ expenditures.



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1 ~~whichever is greater,~~ for the period covered by the late  
2 report. However, for the reports immediately preceding each  
3 primary and general election, the fine shall be \$500 per day  
4 or 5 percent of the total receipts and expenditures for the  
5 period covered by the late report, whichever is greater, for  
6 each late day, not to exceed 25 percent of the total receipts  
7 and or expenditures, whichever is greater, for the period  
8 covered by the late report. For reports required under s.  
9 106.141(7), the fine is \$50 per day or 1 percent of the total  
10 receipts and expenditures for the period covered by the late  
11 report, whichever is greater, for each late day, not to exceed  
12 25 percent of the total receipts and or expenditures,  
13 ~~whichever is greater,~~ for the period covered by the late  
14 report. Upon receipt of the report, the filing officer shall  
15 determine the amount of the fine which is due and shall notify  
16 the candidate or chair. The filing officer shall determine the  
17 amount of the fine due based upon when the electronic receipt  
18 issued pursuant to s. 106.0705 is dated or, if electronic  
19 filing is not required, the earliest of the following:  
20       1. When the report is actually received by such  
21 officer.  
22       2. When the report is postmarked.  
23       3. When the certificate of mailing is dated.  
24       4. When the receipt from an established courier  
25 company is dated.  
26       5. When the electronic receipt issued pursuant to s.  
27 106.0705 is dated.  
28  
29 Such fine shall be paid to the filing officer within 20 days  
30 after receipt of the notice of payment due, unless appeal is  
31 made to the Florida Elections Commission pursuant to paragraph

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1 (c). In the case of a candidate, such fine shall not be an  
2 allowable campaign expenditure and shall be paid only from  
3 personal funds of the candidate. An officer or member of a  
4 political committee shall not be personally liable for such  
5 fine.

6 (c) Any candidate or chair of a political committee  
7 may appeal or dispute the fine, based upon, but not limited  
8 to, unusual circumstances surrounding the failure to file on  
9 the designated due date, and may request and shall be entitled  
10 to a hearing before the Florida Elections Commission, which  
11 shall have the authority to waive the fine in whole or in  
12 part. The Florida Elections Commission must consider the  
13 mitigating and aggravating circumstances contained in s.  
14 106.265(1) when determining the amount of a fine, if any, to  
15 be waived. Any such request shall be made within 20 days after  
16 receipt of the notice of payment due. In such case, the  
17 candidate or chair of the political committee shall, within  
18 the 20-day period, notify the filing officer in writing of his  
19 or her intention to bring the matter before the commission.

20 (d) The appropriate filing officer shall notify the  
21 Florida Elections Commission of the repeated late filing by a  
22 candidate or political committee, the failure of a candidate  
23 or political committee to file a report after notice, or the  
24 failure to pay the fine imposed. The commission shall  
25 investigate only those alleged late filing violations  
26 specifically identified by the filing officer and as set forth  
27 in the notification. Any other alleged violations must be  
28 separately stated and reported by the division to the  
29 commission under s. 106.25(2).

30 Section 67. Paragraph (d) is added to subsection (1)  
31 of section 106.08, Florida Statutes, to read:

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1           106.08 Contributions; limitations on.--

2           (1)

3           (d) The contribution limits of this subsection apply  
 4 to the total contributions made by related entities to any  
 5 candidate for election to or retention in office or to any  
 6 political committee supporting or opposing one or more  
 7 candidates. For purposes of this paragraph, the term "related  
 8 entities" means any two or more political committees or  
 9 committees of continuous existence that have:

10           1. Significant common purposes and substantial common  
 11 membership; or

12           2. Directly or indirectly substantail common direction  
 13 or control.

14  
 15 An entity is related to another entity if either entity owns  
 16 or controls, directly or through one or more other entities, a  
 17 50-percent or greater interest in the capital, profits, or  
 18 assets of the other entity. An entity is related to another  
 19 entity with respect to a contribution if such contribution is  
 20 part of an attempt by such entities to avoid the application  
 21 of this paragraph.

22           (6) There is hereby established in the State Treasury  
 23 an Elections Commission Trust Fund to be utilized by the  
 24 Division of Elections and the Florida Elections Commission in  
 25 order to carry out their duties pursuant to ss. 106.24-106.28.  
 26 The trust fund may also be used by the Secretary of State  
 27 ~~division~~, pursuant to his or her ~~its~~ authority under s.  
 28 97.012(14) ~~s. 106.22(11)~~, to provide rewards for information  
 29 leading to criminal convictions related to voter registration  
 30 fraud, voter fraud, and vote scams.

31           Section 68. Section 106.265, Florida Statutes, is

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1 amended to read:

2           106.265 Civil penalties.--

3           (1) The commission may, is authorized upon the finding  
4 of a violation of this chapter or chapter 104, ~~to~~ impose civil  
5 penalties in the form of fines not to exceed \$1,000 per count  
6 or, in the case of the failure of any person, political  
7 committee, committee of continuous existence, or political  
8 party to report contributions or expenditures pursuant to s.  
9 106.07, may impose a fine of up to 25 percent of the amount of  
10 the contribution or expenditure which was not accurately  
11 reported. In determining the amount of such civil penalties,  
12 the commission shall consider, among other mitigating and  
13 aggravating circumstances:

14           (a) The gravity of the act or omission;

15           (b) Any previous history of similar acts or omissions;

16           (c) The appropriateness of such penalty to the  
17 financial resources of the person, political committee,  
18 committee of continuous existence, or political party; and

19           (d) Whether the person, political committee, committee  
20 of continuous existence, or political party has shown good  
21 faith in attempting to comply with the provisions of this  
22 chapter or chapter 104.

23           (2) If any person, political committee, committee of  
24 continuous existence, or political party fails or refuses to  
25 pay to the commission any civil penalties assessed pursuant to  
26 the provisions of this section, the commission shall be  
27 responsible for collecting the civil penalties resulting from  
28 such action.

29           (3) Any civil penalty collected pursuant to the  
30 provisions of this section shall be deposited into the  
31 Election Campaign Financing Trust Fund.

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1           (4) Notwithstanding any other provisions of this  
2 chapter, any fine assessed pursuant to the provisions of this  
3 chapter, which fine is designated to be deposited or which  
4 would otherwise be deposited into the General Revenue Fund of  
5 the state, shall be deposited into the Election Campaign  
6 Financing Trust Fund.

7           (5) In any case in which the commission determines  
8 that a person has filed a complaint against another person  
9 with a malicious intent to injure the reputation of the person  
10 complained against by filing the complaint with knowledge that  
11 the complaint contains one or more false allegations or with  
12 reckless disregard for whether the complaint contains false  
13 allegations of fact material to a violation of this chapter or  
14 chapter 104, the complainant shall be liable for costs and  
15 reasonable attorney's fees incurred in the defense of the  
16 person complained against, including the costs and reasonable  
17 attorney's fees incurred in proving entitlement to and the  
18 amount of costs and fees. If the complainant fails to pay such  
19 costs and fees voluntarily within 30 days following such  
20 finding by the commission, the commission shall forward such  
21 information to the Department of Legal Affairs, which shall  
22 bring a civil action in a court of competent jurisdiction to  
23 recover the amount of such costs and fees awarded by the  
24 commission.

25           Section 69. Subsection (6) of section 106.141, Florida  
26 Statutes, is amended to read:

27           106.141 Disposition of surplus funds by candidates.--

28           (6) Prior to disposing of funds pursuant to subsection  
29 (4) or transferring funds into an office account pursuant to  
30 subsection (5), any candidate who filed an oath stating that

31 he or she was unable to pay the election assessment or fee for

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1 verification of petition signatures without imposing an undue  
 2 burden on his or her personal resources or on resources  
 3 otherwise available to him or her, or who filed both such  
 4 oaths, or who qualified by the petition process ~~alternative~~  
 5 ~~method~~ and was not required to pay an election assessment,  
 6 shall reimburse the state or local governmental entity,  
 7 whichever is applicable, for such waived assessment or fee or  
 8 both. Such reimbursement shall be made first for the cost of  
 9 petition verification and then, if funds are remaining, for  
 10 the amount of the election assessment. If there are  
 11 insufficient funds in the account to pay the full amount of  
 12 either the assessment or the fee or both, the remaining funds  
 13 shall be disbursed in the above manner until no funds remain.  
 14 All funds disbursed pursuant to this subsection shall be  
 15 remitted to the qualifying officer. Any reimbursement for  
 16 petition verification costs which are reimbursable by the  
 17 state shall be forwarded by the qualifying officer to the  
 18 state for deposit in the General Revenue Fund. All  
 19 reimbursements for the amount of the election assessment shall  
 20 be forwarded by the qualifying officer to the Department of  
 21 State for deposit in the General Revenue Fund.

22       Section 70. Section 98.122, Florida Statutes, is  
 23 transferred and renumbered as section 106.165, Florida  
 24 Statutes.

25       Section 71. Section 106.22, Florida Statutes, is  
 26 amended to read:

27       106.22 Duties of the Division of Elections.--It is the  
 28 duty of the Division of Elections to:

29       (1) Prescribe forms for statements and other  
 30 information required to be filed by this chapter. Such forms  
 31 shall be furnished by the Department of State or office of the

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1 supervisor of elections to persons required to file such  
2 statements and information with such agency.

3 (2) Prepare and publish manuals or brochures setting  
4 forth recommended uniform methods of bookkeeping and  
5 reporting, and including appropriate portions of the election  
6 code, for use by persons required by this chapter to file  
7 statements.

8 (3) Develop a filing, coding, and cross-indexing  
9 system consonant with the purposes of this chapter.

10 (4) Preserve statements and other information required  
11 to be filed with the division pursuant to this chapter for a  
12 period of 10 years from date of receipt.

13 (5) Prepare and publish such reports as it may deem  
14 appropriate.

15 (6) Make, from time to time, audits and field  
16 investigations with respect to reports and statements filed  
17 under the provisions of this chapter and with respect to  
18 alleged failures to file any report or statement required  
19 under the provisions of this chapter. The division shall  
20 conduct a postelection audit of the campaign accounts of all  
21 candidates receiving contributions from the Election Campaign  
22 Financing Trust Fund.

23 (7) Report to the Florida Elections Commission any  
24 failure to file a report or information required by this  
25 chapter or any apparent violation of this chapter.

26 (8) Employ such personnel or contract for such  
27 services as are necessary to adequately carry out the intent  
28 of this chapter.

29 (9) Prescribe rules and regulations to carry out the  
30 provisions of this chapter. Such rules shall be prescribed  
31 pursuant to chapter 120.

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~~(10) Make an annual report to the President of the Senate and the Speaker of the House of Representatives concerning activities of the division and recommending improvements in the election code.~~

~~(11) Conduct preliminary investigations into any irregularities or fraud involving voter registration or voting and report its findings to the state attorney for the judicial circuit in which the alleged violation occurred for prosecution, where warranted. The Department of State may prescribe by rule requirements for filing a complaint of voter fraud and for investigating any such complaint.~~

~~(10)(12)~~ Conduct random audits with respect to reports and statements filed under this chapter and with respect to alleged failure to file any reports and statements required under this chapter.

Section 72. Subsection (1) of section 16.56, Florida Statutes, is amended to read:

16.56 Office of Statewide Prosecution.--

(1) There is created in the Department of Legal Affairs an Office of Statewide Prosecution. The office shall be a separate "budget entity" as that term is defined in chapter 216. The office may:

(a) Investigate and prosecute the offenses of:

1. Bribery, burglary, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, robbery, carjacking, and home-invasion robbery;

2. Any crime involving narcotic or other dangerous drugs;

3. Any violation of the provisions of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, including any offense listed in the definition of racketeering activity



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1 in s. 895.02(1)(a), providing such listed offense is  
2 investigated in connection with a violation of s. 895.03 and  
3 is charged in a separate count of an information or indictment  
4 containing a count charging a violation of s. 895.03, the  
5 prosecution of which listed offense may continue independently  
6 if the prosecution of the violation of s. 895.03 is terminated  
7 for any reason;

8 4. Any violation of the provisions of the Florida  
9 Anti-Fencing Act;

10 5. Any violation of the provisions of the Florida  
11 Antitrust Act of 1980, as amended;

12 6. Any crime involving, or resulting in, fraud or  
13 deceit upon any person;

14 7. Any violation of s. 847.0135, relating to computer  
15 pornography and child exploitation prevention, or any offense  
16 related to a violation of s. 847.0135;

17 8. Any violation of the provisions of chapter 815;

18 9. Any criminal violation of part I of chapter 499;

19 10. Any violation of the provisions of the Florida  
20 Motor Fuel Tax Relief Act of 2004; ~~or~~

21 11. Any criminal violation of s. 409.920 or s.  
22 409.9201; or

23 12. Any crime involving voter registration, voting, or  
24 candidate or issue petition activities;

25  
26 or any attempt, solicitation, or conspiracy to commit any of  
27 the crimes specifically enumerated above. The office shall  
28 have such power only when any such offense is occurring, or  
29 has occurred, in two or more judicial circuits as part of a  
30 related transaction, or when any such offense is connected

31 with an organized criminal conspiracy affecting two or more

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1 judicial circuits.

2 (b) Upon request, cooperate with and assist state  
3 attorneys and state and local law enforcement officials in  
4 their efforts against organized crimes.

5 (c) Request and receive from any department, division,  
6 board, bureau, commission, or other agency of the state, or of  
7 any political subdivision thereof, cooperation and assistance  
8 in the performance of its duties.

9 Section 73. Subsection (5) of section 119.07, Florida  
10 Statutes, is amended to read:

11 119.07 Inspection and copying of records;  
12 photographing public records; fees; exemptions.--

13 (5) When ballots are produced under this section for  
14 inspection or examination, no persons other than the  
15 supervisor of elections or the supervisor's employees shall  
16 touch the ballots. If the ballots are being examined before  
17 the end of the contest period in s. 102.168, the supervisor of  
18 elections shall make a reasonable effort to notify all  
19 candidates by telephone or otherwise of the time and place of  
20 the inspection or examination. All such candidates, or their  
21 representatives, shall be allowed to be present during the  
22 inspection or examination.

23 Section 74. Subsection (3) of section 145.09, Florida  
24 Statutes, is amended to read:

25 145.09 Supervisor of elections.--

26 (3)(a) There shall be an additional \$2,000 per year  
27 special qualification salary for each supervisor of elections  
28 who has met the certification requirements established by the  
29 Division of Elections of the Department of State. The  
30 Department of State shall adopt rules to establish the  
31 certification requirements. Any supervisor who is certified

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during a calendar year shall receive in that year a pro rata share of the special qualification salary based on the remaining period of the year.

(b) In order to qualify for the special qualification salary described in paragraph (a), the supervisor must complete the requirements established by the Division of Elections within 6 years after first taking office.

(c) After a supervisor meets the requirements of paragraph (a), in order to remain certified the supervisor shall thereafter be required to complete each year a course of continuing education as prescribed by the division.

Section 75. Sections 98.095, 98.0979, 98.181, 98.481, 101.253, 101.635, 102.061, 106.085, and 106.144, Florida Statutes, are repealed.

Section 76. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 77. Except as otherwise expressly provided in this act and except for this section, which shall take effect July 1, 2005, this act shall take effect January 1, 2006....